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## The Connexion between Scotland and Man

OF the four countries adjacent to the Isle of Man Scotland is nearest, and has had perhaps the most intimate connexion with it. So close, indeed, is *Nolbin* (Alban), as the Manxmen call it, that its Galloway coast is visible from Man on every clear day throughout the year.

Before dwelling upon such instances of this connexion as are known to history, we will briefly indicate how nearly the *Albanach*<sup>1</sup> and the *Manninagh* are allied in race and language. By the beginning of our era the pre-Aryan peoples in Man had probably been partly displaced by a Belgic race, called Mevanian, which has given its name to the island.<sup>2</sup> This race, which was Goidelic, also settled in the Isles and on both sides of the Forth estuary,<sup>3</sup> as well as in parts of Wales and Ireland. Nor is it unlikely that the Picts (also, we believe, of Goidelic origin)<sup>4</sup> settled in Man.<sup>5</sup> Both Man and Scotland had, before the fifth century, received colonists from the kindred race of the Irish *Scoti*,<sup>6</sup> and, finally, between the ninth and eleventh

<sup>1</sup>i.e. the native of the Western isles and west and north coasts of Scotland. The native of the Lothians is as alien to the Manxman as the native of Kent or Sussex.

<sup>2</sup>A people whose name stem is Mēnāp-, Mōnap-, or Manap-<sup>7</sup> (*Keltic Researches*, E. W. B. Nicholson, p. 13). The Isle of Man was called *Mona* by Cesar, *Mevania* by Orosius, and *Monapia* by Pliny.

<sup>3</sup>The country called *Manaw Guotodin* in old Welsh literature.

<sup>4</sup>We agree in this view, so ably set forth by Mr. Nicholson in his *Keltic Researches*.

<sup>5</sup>For traces of the Picts in Man, see *History of the Isle of Man* (A. W. Moore), pp. 35-6.

<sup>6</sup>*A Scotorum gentibus habitur*<sup>8</sup> (Orosius, I. ii. § 82, Trübner's Ed.).

centuries Man and the Scottish islands, with parts of the north and west coasts of Scotland, were conquered and occupied by the Scandinavians.

As regards language we have evidence which tends to show that, in the seventh century, the language spoken in Man was substantially identical with the Gaelic of Ireland, though at the present day it more nearly resembles the Gaelic of Scotland. There are more individual words in Manx like Scottish than Irish Gaelic, and Manx and Scottish Gaelic have practically the same method of forming plurals.<sup>1</sup> Though Manx local names are more distinctively Irish than Scottish Gaelic, and Manxmen have more surnames of Irish than of Scottish Gaelic origin, there are numerous Manx surnames of distinctively Scottish Gaelic origin.<sup>2</sup>

The earliest point of contact between Man and Scotland of which we have evidence—not the evidence of written records, but that of existing names and traditions—was in connexion with the Celtic Church. At the end of the fourth century a British saint, Ninian, built a church, called *Candida Casa*, at Whithorne, on the western shore of Wigton Bay, which is within 25 miles of Man. May we not assume that this saint, whose name probably survives in the primitive *keevils* of *Keeil-Lingan* and *Cabbal Lingan* in Man, or some of his disciples, landed on our shores?<sup>3</sup>

Then we come to St. Columba, who has left not only his own name, but that of his followers—St. Ronan, St. Adamnan, and St. Moluoc—to some of our ancient churches. But even more significant of his influence are the facts that his name has been given to a feast of the Manx Church, and that it occurs in a well-known 'charm.' His feast day (originally on the 9th of June, but, after the change of the calendar, on the 21st) was called *Yn Eaill Columb Kille*, 'The feast of Columb of the

<sup>1</sup> Rhŷs, *Manx Phonology*, pp. 164-5. (In *Manx Society's* volume xxxiii.)

<sup>2</sup> (a) As names of purely Gaelic origin: Callister (M'Alister), Shimmin (M'Symon), Knickell (M'Neacail, MacNicol), Fargher (Farquhar), Kaighan (MacEachan), Quarry (MacQuarie), Cannell (MacWhannell), Quinney (M'Whinnie), Quay and Kay (MacKay), Cowan (M'Owan), Bridson (M'Bride), Mylrea (M'Gilrea). (b) Names of Scandio-Gaelic origin: Castell (Gaskell), Corkhill (MacTorquil, MacCorquodale), Corlett (M'Leod), Cowley (MacAulay), Crennell (MacRanald). (See *Manx Names*, by A. W. Moore.)

<sup>3</sup> We have a thirteenth century church dedicated to St. Trinian (a corruption of Ninian) which formerly belonged to the Priory of St. Ninian at Whithorne, whose priors were barons of Man. (See *Manx Names*, A. W. Moore, p. 142.)

Church,' and to this day the Manx fishermen speak of the stormy weather which was expected about the 9th of June as *Ny gaalyn yn Eaill Columb Killey*, 'the gales of the feast of Columb of the Church.' The 'charm,' which is directed against the fairies, is as follows:

*Shee Yee as shee ghooinney  
Shee Yee er Columb-Killey,  
Er dagh uinniag, er dagh ghorrys,  
Er dagh howl goaill stiagh yn re-hollys,  
Er kiare corneillyn y thie,  
Er y vodyl ta mee lhie,  
As shee Yee orrym-pene.*

'Peace of God and peace of man,  
Peace of God on Columb-Killey,  
On each window and each door,  
On every hole admitting moonlight,  
On the four corners of the house,  
On the place of my rest,  
And peace of God on myself.'

It was in 795 that the Irish and Welsh annalists record the first appearance<sup>1</sup> of the Scandinavian vikings in the Irish Sea; and the Scottish Isles, as well as part of the mainland of Scotland, no doubt received their unwelcome attentions at the same period.

Before further discussing the proceedings of the Scandinavians<sup>2</sup> in the western seas, let us make clear<sup>3</sup> what kingdoms and peoples they came in contact with in Scotland. They were (1) The Pictish kingdom of Alban, which included all the country north of the Forth, with, presumably, the Orkneys, Shetlands, Hebrides, and the other islands north of Ardnamurchan Point; (2) The Scottish kingdom of Dalriada, including Argyllshire, Kintyre, and some of the adjacent islands; (3) The British kingdom of Strathclyde, extending from the Clyde to Morecambe Bay. About the middle of the ninth century the Scandinavians settled in the Shetlands and Orkneys, which they called the

<sup>1</sup> Though Mr. W. C. Mackenzie (*Hist. of Outer Hebrides*, pp. xxxiv-xxxv) conjectures that the Hebrides were overrun by Scandinavian pirates at a period long anterior to the eighth century.

<sup>2</sup> We include under this term both Danes and Norwegians. It is difficult to discriminate between these two kindred races, but, judging by surnames and place-names, the latter were predominant in the western seas.

<sup>3</sup> We use the name Scotland as a matter of convenience, but it should be borne in mind that this name was not applied to the whole kingdom till after the battle of Largs in 1263.

*Norðr-eyjar*, Nordreys or North Isles, and in the Western Scottish islands and Man, which they called the *Suðr-eyjar*, Sudreys or South Isles.<sup>1</sup> They also had settlements in Sutherlandshire (to them the southern land), in Caithness, and on the west coast as far south as Ardnamurchan Point, also in Galloway, on the east coast of Ireland and the west coast of Cumberland.

The first settler of importance was Olaf the White, who in 852 conquered Dublin and the Sudreys, and harried the mainland of Scotland.<sup>2</sup> The next was Ketill Finn, whom the Irish annalists speak of as a ruler of the Sudreys. But emigration to the Sudreys did not take place to any great extent till after the battle of Hafursfjord, fought about 883, in which Harald Haarfager conquered the petty kings of Norway, and made himself sole sovereign of the country. His rule was oppressive to the Vikings, whom he deprived of their *odal*, or freehold right to the land and reduced to the position of military tenants. Many of them, rather than submit, emigrated, as we have already shown. In the islands and Galloway they formed a ruling class, which gradually amalgamated with the native inhabitants to such an extent that the mixed race was called, *Gallgaidhel*, *Galgael*; or Stranger Gaels, by their Irish and Scottish neighbours. Harald soon followed his revolted subjects and conquered the Nordreys and Sudreys.<sup>3</sup> For a brief period both these groups of islands remained under his rule, or that of his viceroys, and then, till the middle of the tenth century,<sup>4</sup> Man, if not the other Sudreys, fell into the hands of the

<sup>1</sup> The terms *Norðr-eyjar* and *Suðr-eyjar* had not, however, always the same significance. Let us quote Worsaae: 'By degrees they [the Vikings] settled themselves on all the islands along the west coast, from Lewis to Man, which they called under one name, "*Suðreyjar*," or the southern islands, from their situation with regard to the Orkney and Shetland Isles. Sometimes, however, they did not reckon Man among them, and then divided the rest of the islands into two groups, in such a manner that not only the islands to the south of Mull were called "*Suðreyjar*," whilst Mull itself and the islands to the north obtain the name of "*Norðreyjar*."—(*The Danes and Northmen*, pp. 266-7.) *Suðreyjar* has taken in modern times the form of *Sodor*.

<sup>2</sup> *Landnámaðbc* (Vigfusson's translation), p. 76. *Annals of Ulster*.

<sup>3</sup> *Landnámaðbc*, p. 26.

<sup>4</sup> We may note that by the cession of Cumbria by Eadmund to Malcolm in 980, Man had Scottish territory to the east as well as to the north for a century.

Scandinavian rulers of Dublin and Limerick,<sup>1</sup> while the Nordreys remained under the suzerainty of Norway. In these latter islands and Caithness a dynasty was formed by Turf Einar, and, at the end of the ninth century, his great-grandson, Earl Sigurd, added Sutherland, Ross, Moray, Argyll, and the Sudreys. He governed the Sudreys through a tributary earl, called Gilli in the Sagas, who resided in Colonsay. Of these dominions he only retained those on the mainland of Scotland for about seven years, being driven out of them by the Celtic chieftains of the North and West of Scotland. The leader of these, Malcolm, Maormar of Moray, slew Kenneth, King of Scotland, in 1004, and succeeded to his throne. Sigurd, no doubt with a view of strengthening his position in his remaining dominions, entered into alliance with Malcolm and married his daughter. But, nevertheless, it is possible that his authority was weakened in the Sudreys. The Irish chroniclers call Ranald MacGodfrey, who died in 1004, King of the Isles, but both he and his successor Suibne may have been subordinate to Sigurd.

After 1014, when Sigurd was killed at the battle of Clontarf, to which he had come with his islesmen and 'the foreigners of Manann,' Suibne was probably either independent or under the suzerainty of Dublin till his death in 1034. Sigurd was succeeded by his son Thorfinn, who was presented with Caithness by his maternal grandfather, Malcolm, and, for fifteen years, he seems to have ruled it and the Orkneys only. But in 1029 Malcolm died, and his successor on the Scottish throne was Malcolm MacKenneth, whose father the first Malcolm (of Moray) had slain. Malcolm MacKenneth was a southern Scot, so that it is probable the northern chieftains preferred Thorfinn, as being the grandson of their king, to him. This theory accounts for the apparent ease with which Thorfinn annexed the greater part of Malcolm's kingdom. According to the *Orkneyinga Saga* he was lord not only over the Nordreys and Sudreys but over Dublin and no less than nine earldoms in Scotland, including Galloway. Some years before his death in 1064, he probably had to yield at least his possessions in

<sup>1</sup> Mr. R. L. Breuner, in his interesting *Notes on the Norsemen in Argyllshire*, states that 'the first' kings of the Gall-Gael or 'Kings of Man and the Isles,' were . . . direct descendants of Ivan Beinlaus, the son of Ragnar Lodbrok, but he gives no authority (*Saga-Book of the Viking Club*, vol. iii. part iii. p. 352).

the south of Scotland to Malcolm Canmore,<sup>1</sup> while Man fell under the rule of the Dublin Scandinavians. It may, however, be safely affirmed that, for a period of about thirty years, the Norse king was not only the most powerful ruler in the western seas but on the Scottish mainland. Fifteen years later he was followed by an almost equally powerful Norse ruler, Godred Crovan, the conqueror of Man in 1079. Godred, who is described by the Chronicler of Rushen Abbey, as holding the Scots in such subjection that no one who built a vessel dared to insert three bolts,<sup>2</sup> 'also subdued Dublin and a great part of Leinster. Godred died in 1095 in Islay, and it was not till after some years of confusion, during which Magnus,<sup>3</sup> king of Norway, re-established the Norwegian suzerainty over both Nordreys and Sudreys for a brief period, that we find Godred's youngest son, Olaf (1113-1153) as ruler 'over all the isles.'<sup>4</sup>

It is during Olaf's reign that, according to the contemporary evidence of the chronicler, William of Newburgh, who knew him personally, a Manx bishop, named Wimund, had an extraordinary career in connexion with Scotland. When Wimund was sent in 1134, with other monks, to occupy the newly founded Abbey of Rushen in Man, he so captivated the people by his intellect and eloquence and also by his suave and jovial manners that he was, with the approval of the abbot of the mother abbey, Furness, recommended by King Olaf to Thurstan, Archbishop of York, for consecration as Bishop of Sodor and Man. About 1142 he announced that he was the heir of Angus, Earl of Moray, who had been killed in 1130, and, assuming the name of Malcolm MacHeth, he laid claim to that earldom. He was joined by Somerled of Argyll, who gave him his sister in marriage, by the Earl of Orkney and other chiefs. He ravaged south-western Scotland with fire and sword, and compelled King David I. to

<sup>1</sup> Skene (*Celtic Scotland*, vol. ii. p. 352), says that after Thorfinn's death, the Sudreys, except Man, were conquered by Malcolm, but he gives no authority for this statement.

<sup>2</sup> *Chronicon Manniae* (*Manx Society's Publications*, vol. xxii.), p. 53.

<sup>3</sup> The stratagem by which Magnus got possession of Kintyre is well known. It is interesting to note, as showing how Man was valued, that the *Orkneyinga Saga*, in relating this incident, remarks that Kintyre 'is better than the best island of the Sudreys, except Man.'

<sup>4</sup> *Ibid.* p. 61.

surrender the southern portion of his kingdom to him. He then proceeded to treat his subjects with such severity that they betrayed him into the hands of the royal troops, by whom he was blinded and mutilated. Confined at first in Roxburgh Castle, and finally in Byland Abbey, he died about 1180.<sup>1</sup>

Mr. Andrew Lang, who follows Robertson, treats this account with contempt, merely remarking: 'Some historians regard this clerk of Copmanhurst, this noisy clerical man-at-arms and reiver, as identical with Malcolm, son of Heth, Earl of Moray. But that Malcolm MacHeth was not released from prison till 1157, six years after Wimund was blinded and lay in retreat at Biland.'<sup>2</sup> We, however, see no reason to doubt the contemporary chronicler.

Olaf's son, Godred II. (1153-1187), who for a brief period ruled over Dublin as well as over the Isles, acted tyrannically towards some of his chiefs (*principes*) in the Isles, and so they determined to depose him.<sup>3</sup> One of these chiefs, Somerled, said to be a descendant of Suibne, 'King of the Isles,' who was Godred's brother-in-law, having married Olaf's daughter, Ragnhild, was the leader in this revolt. He was ruler (*regulus*) of Argyll and seems to have held the islands of Bute, Arran, and Islay under Godred.<sup>4</sup> In 1156 a bloody but indecisive battle took place between Somerled and Godred, who agreed to divide the kingdom of the Isles between them, Somerled's share being probably Kintyre and the islands south of Ardnamurchan Point. By this curious arrangement an independent sovereignty was interposed between the two parts of Godred's kingdom. It is, therefore, not without reason that the writer of the *Chronicle of Man* exclaims: 'Thus was the kingdom of the Isles ruined from the time that the sons of Somerled got possession of it.'<sup>5</sup> Two years later Somerled again attacked Godred and took possession of Man, which he seems to have ruled through a sheriff (*vicecomes*)<sup>6</sup> till 1164, when, on his

<sup>1</sup> *Hist. Rerum Anglicarum*, lib. i. cap. xxiv.

<sup>2</sup> *History of Scotland*, vol. i. p. 127.

<sup>3</sup> *Chronicon Mannicum*, p. 69.

<sup>4</sup> Skene (*The Highlanders of Scotland*, Ed. by MacBain, p. 200), states that King David 'conquered the islands of Man, Arran, and Bute from the Norwegians' in 1035 (?1135), but gives no proof of this. David threatened Man in 1152 but certainly did not conquer it, and there seems to be no doubt that all the isles were subject to Olaf and, after him, to Godred. The *Chronicle of Man* (p. 61), states distinctly that 'no man ventured to disturb the Kingdom of the Isles during Olaf's time.'

<sup>5</sup> *Chronicon Mannicum*, p. 67.

<sup>6</sup> *Ibid.* p. 75.

defeat and death at Renfrew, it again came into Godred's hands. Twenty years later Somerled's descendants, apart from their possessions on the mainland, ruled over Coll, Skye, Tyree, Long Island, and Bute only, so that it appears that Godred had re-conquered some of the islands of which he had been deprived in 1156.

The mention of a *vice-comes* in Man, in 1183,<sup>1</sup> seems to point to Godred having his head-quarters in one of the other islands. He died, however, in Man, and was buried in Iona. He was succeeded by his son Reginald I. (1187-1226), who was a warlike, and, during the first part of his reign, a powerful ruler. In 1198 we find King William of Scotland asking for his help against Harald, the Nordreian earl, and promising him the earldom of Caithness provided that he would drive Harald out of it. He succeeded in doing so, but was soon ousted by Harald. Nevertheless, Reginald and William continued to be allies. Reginald had placed his brother Olaf in charge of the island of Lewis, but Olaf was discontented with it, and, about the year 1208, he demanded additional islands for his support. Reginald's reply was to order him to be seized and carried in chains to William, who kept him in prison till just before his death in 1214, when Olaf was restored to Lewis. Olaf then married Christina, daughter of Ferquhard Mac-in-Tagart, Earl of Ross, and in 1223 he was in alliance with Páll, the Viscount of Skye, whose 'power and energy,' says the *Chronicle of Man*, 'were felt throughout the whole kingdom of the Isles.'<sup>2</sup> It is possible that Páll ruled Skye as a subordinate of Olaf's father-in-law. According to Robertson, Ferquhard and his descendants, at this time, or a little later, held both Skye and the Nordreys by grant from the Scottish kings, and were inveterate opponents of the Manx and Somerledian 'Kings of the Isles,' who held the Sudreys as fiefs from Norway.<sup>3</sup> It is at least clear that Olaf was in league with the opponents of his brother Reginald in that region. In 1224 he compelled Reginald to divide the kingdom of the Isles with him, and in 1226 he became sole ruler of that kingdom. For two years only did he enjoy his dominions in peace.

At the end of that period troubles again arose with Reginald, and, during his absence from Man, probably for the purpose of fighting against his brother, Reginald, accompanied by Alan of Galloway, and Thomas, Earl of Atholl, took possession of Man.

<sup>1</sup> *Chronicon Manniæ*, p. 79.    <sup>2</sup> P. 87.    <sup>3</sup> Vol. i. p. 239; vol. ii. 3, 23, 100.

It was Alan alone, however, who seems to have benefited by this conquest, as we are told that he left 'bailiffs in Man to pay over to him the proceeds of the taxes upon the country.'<sup>1</sup> But Olaf speedily returned and drove out the bailiffs. Thenceforward, except for a brief interval in 1230, when Godred Don, Reginald's son, occupied all the islands save Man, he reigned undisturbed till his death in 1237. Harald (1237-1248), his son, succeeded him, and, according to the *Chronicle of Man*, 'established the most solid peace with the Kings of England and Scotland, and was united to them by friendly alliance.'<sup>2</sup> He was evidently a potentate of some consequence. But, nevertheless, it was in his days that the shadow of a rule that was to be very much more effective than that of the distant suzerain in Norway, which had long been almost nominal, began to fall over the kingdom of the Isles. Scotland had gradually been becoming stronger, and its ambitious king, Alexander II., determined to tolerate no longer the independence of the islands adjacent to its western coast.

With this view he attempted to acquire the islands from Norway by purchase, but Hakon, the Norwegian King, refused to sell. This attempt was renewed later, but, before referring to it, we will continue our account of the Sudreyan kingdom. Harald died in 1248, and in 1250 Magnus, his brother, who became king in 1252, went to Man in company with 'John, son of Dugald' (presumably the ruler of the Somerledian Isles) to claim his inheritance there. The account in the *Chronicle of Man* gives an amusing glimpse of the jealousy that evidently existed between the two 'kingdoms of the Isles': 'John, son of Dugald, sent messengers to the people of Man to say, "Thus and thus does John, King of the Isles, command you." When the Manxmen heard John styled King of the Isles, they became indignant, and refused to hear anything further from the messengers.'<sup>3</sup> A battle ensued, in which Magnus and his ally were defeated and driven from Man. Nevertheless, when Magnus appeared in Man two years later, 'all received him with great joy and appointed him king.' In 1254 Hakon appointed him 'king over all the Islands held by his predecessors.'<sup>4</sup>

In 1261 Alexander III. of Scotland sent two envoys to Norway to negotiate for the cession of the isles, but their efforts led to no result. He therefore initiated hostilities which terminated in the complete defeat of the Norwegian fleet at Largs

<sup>1</sup> *Chronicon Manniæ*, p. 91.

<sup>2</sup> *Ibid.* p. 99.

<sup>3</sup> P. 107.

<sup>4</sup> P. 109.

in 1263. Magnus, who had fought on the Norwegian side, was compelled to surrender all the islands over which he had ruled, except Man, for which he did homage, and undertook feudal service with ten 'pirate'<sup>1</sup> galleys, five of them with four-and-twenty oars, and five of them with twelve.<sup>2</sup> It has been suggested that this 'tenure of Man by galley service may well have been the basis of a marine policy, the continued maintenance of which is attested by more than one of Robert Bruce's West Coast Charters, having *reddenda* of ship service, sometimes with 26 or even 40 oars.'<sup>3</sup>

Two years later Magnus died, and in 1266 the King of Norway, in consideration of the sum of 4000 marks, ceded the Sudreys, including Man, to Scotland. We have seen then that, during this second period of nearly 200 years, Man continued to be closely connected with most of the Scottish Isles. It was connected with them not only through its civil rulers, but through its ecclesiastical rulers, and the ecclesiastical connexion of Man and Scotland was to continue long after the civil connexion had ceased to exist. It is with this ecclesiastical connexion that we now propose to deal.

It was probably not before the beginning of the eleventh century that the Scandio-Celtic population of the Isles received Christianity. The name of a bishop, Roolwer, is not recorded till towards the end of the same century. It must be inferred from his title not that he ruled over a see in the modern sense, but that he was an ambulatory bishop, attached to the king's court, while his assistants were probably monks without any fixed abode. The visitations of the bishop would probably be limited by the often varying extent of dominions of the king. There is no record of the existence of a regular diocese before 1154. In that year was founded the diocese of Sodor,<sup>4</sup> with Nidaros, or Drontheim, as its metropolitan see, which, as already stated, included the Hebrides, all the smaller western islands of Scotland, and Man. This diocese was formed before the division of the kingdom of the Isles, and there is no reason to suppose

<sup>1</sup> The word 'pirate' did not then bear its modern meaning.

<sup>2</sup> *Fordun Annals*, ch. 56.

<sup>3</sup> *Annals of the Solway*, George Neilson, pp. 41-2. See p. 405.

<sup>4</sup> The modern name of the bishopric of 'Sodor and Man' seems to have arisen from the mistake of a legal draughtsman early in the seventeenth century who was unaware of the meaning of Sodor. Till that time the bishops of Man had invariably signed Sodor.

that the division of the kingdom was followed by the division of the diocese, which, indeed, continued to exist till the beginning of the fifteenth century. As proofs of this, it may be mentioned (1) that in 1349 copies of a letter of Pope Clement VI. to William, the Sodor bishop-elect, were sent to the archbishop of Nidaros, to the 'noble Robert Steward, styled Seneschal of Scotland, Lord of the Isle of Bute, in the Sodor diocese,' and to 'our beloved son, the noble John Macdonald, Lord of Isla, in the Sodor diocese';<sup>1</sup> (2) that Pope Urban V., writing to this same William in 1367, spoke of a *Nobilis mulieris Marie de Insulis . . . tue diocesis*, who was a daughter of the above-mentioned John, here styled 'Lord of the Isles';<sup>2</sup> (3) that in 1374 copies of a letter of Pope Gregory XI. to John, bishop-elect of Sodor, were sent to 'the illustrious King Robert of Scotland,' and to the archbishop of Nidaros, as well as to 'William, King of Man';<sup>3</sup> (4) that in 1392 the same bishop is styled *Johannes episcopus Sodorensis in prouincia Nidrosiensi*;<sup>4</sup> and (5) that a MS. *codex* in the Vatican, written about 1400, contains the words *Sodorensis in Norwegia et prouincia Nidrosiensi*, thus showing that the connexion of Sodor with Norway still continued.<sup>5</sup>

A quaint reminiscence of the connexion of Man with Scotland, and more especially with the Priory of Whithorne,<sup>6</sup> is the special mention of the Isle of Man in a document dated 1427, in which James I. of Scotland grants 'leave and permission to all and singular, from the realm of England and the Isle of Man, of both sexes, who wish to visit the church of the Blessed Ninian,' to come to *Candida Casa* in Galloway 'in all safety and security, and so to return to their own parts without let or hindrance.' It contains what appears to be an unnecessary proviso that the pilgrims from the Isle of Man should come by sea. It provides also that the pilgrims, whether English or Manx, are to 'come and return by the same ways, and behave as pilgrims in each place, and that they stay not within the Scottish border more than fifteen days coming, stopping, and returning, and that they take away and carry any memento of

<sup>1</sup> A descendant of Somerled's.

<sup>2</sup> *Vatican Archives, Manx Society's Publications*, vol. xxii. pp. 336-43.

<sup>3</sup> *Ibid.* p. 378.

<sup>4</sup> *Ibid.* pp. 394-400.

<sup>5</sup> *Afgrifter Fra Norske Kirkeprovinis*, &c. of Dr. Gustaf Storm (Christiania, 1897), p. 29.

<sup>6</sup> *Chronicon Manniae*, p. 258.

<sup>7</sup> See p. 394.

the aforesaid church openly in their cloaks,' and, further, that 'they do not come for purposes of trade or other cause, and do nothing and cause nothing to be attempted prejudicial to the king, or his laws, or the realm of Scotland.'<sup>1</sup> It was indeed amiable for the Scots to tolerate the Manx within their borders for even fifteen days, for, five years earlier, the Manx had passed a law ordaining that 'all Scots avoid the land with the next vessels that goeth into Scotland, upon paine of forfeiture of their goods and their bodys to prison.'<sup>2</sup> The probable explanation, however, is that King James had never heard of the law in question!

Returning to secular history, we find that the direct rule of Scotland over Man, which began in 1266, was not firmly established till 1275, when the Manx were defeated in a decisive battle at Ronaldsway, near Castletown. With the death of Alexander in 1286, and the accession of the child Margaret, who was then in Norway, there began a time which was probably troublous for Man as well as for Scotland. Though there is no mention of Edward I. of England having directly interfered in the affairs of Scotland till after the death of Margaret in the autumn of 1290, there are indications that he had already either taken possession of Man or was fighting for its possession as early as 1288, when we learn that a certain Adam, son of Neso, was slain in that island in his service.<sup>3</sup> In the following year he paid the expenses of the bishop of Man to Norway and back, having sent him there on an embassy.<sup>4</sup> Early in 1290 he was certainly in possession of it,<sup>5</sup> and in 1293 he handed it over to Baliol, reserving his rights as lord paramount.<sup>6</sup> Baliol entered into an alliance with Norway and France in 1294, and revolted against his over-lord, who, on his subsequent surrender, doubtless treated Man as a forfeited fief. It remained in English hands till 1313.<sup>7</sup>

<sup>1</sup> *Reg. Mag., Sig. Reg. Scot. Charter No. 107.*

<sup>2</sup> *The Statutes of the Isle of Man*, vol. i. p. 20. It is stated that the late Lord Loch, a Scotsman, and one of the most distinguished Governors of Man, was on one occasion rash enough to declare that all the laws in the Statute Book were equally valid, and that he was referred to the law we have quoted above!

<sup>3</sup> *Rotuli Scaccarii Regnum Scotorum*, vol. i. p. 35.

<sup>5</sup> *Calendar of Patent Rolls*, 18th Ed. I.

<sup>4</sup> *Ibid.* pp. 49-50.

<sup>6</sup> *Rotuli Scoticæ.*

<sup>7</sup> For detailed account of the period, see *A History of the Isle of Man* (A. W. Moore), pp. 184-190.

In 1310<sup>1</sup> Edward II. issued a writ in which he enjoined his sheriffs, bailiffs, and faithful subjects in the counties of Chester, Lancaster, Cumberland, and Westmoreland, to afford assistance to the Seneschal of Man against Robert Bruce, who, as the king had heard, intended to despatch all his navy to the Isle of Man 'for the purpose of destroying it and establishing a retreat there.'<sup>2</sup> But Bruce did not attack Man till two years later, when, according to the *Chronicle of Man*, 'on the 18th of May, Lord Robert, King of Scotland, put in at Ramsey with a large number of ships, and on the following Sunday went to the nunnery at Douglas, where he spent the night, and on Monday laid siege to the Castle of Rushen.'<sup>3</sup> The castle was defended against him by one of King Edward's Scottish adherents, called in the *Chronicle* Dungali MacDowyle, and in the *Rotuli Scotiae* Duncan Magdowall, who in 1306 was referred to as Captain of the Army of Galloway,<sup>4</sup> and it held out 'until the Tuesday after the Feast of St. Barnabas the Apostle,' i.e. for a period of about five weeks.<sup>5</sup>

On the 20th of December in the same year, Bruce granted the island to Thomas Randolph, Earl of Moray, in free regality (*regalitatem*), retaining only the patronage of the bishopric.<sup>6</sup> Randolph had in return to find annually 'six ships each of twenty-six oars,' and to pay a hundred marks of sterling at Inverness.<sup>7</sup>

<sup>1</sup> For references to Dicon of Man in 1303, who takes messages for King Edward I. to the Earl of Carrick, and to Lammal of Man in 1306, a *socius* of John of Argyll (admiral of the western seas of England, Wales, Ireland, and the isles of Scotland), who was ardently acting in the English interest, see Bain's *Calendars*, vol. iv. pp. 489, 481.

<sup>2</sup> *Rotuli Scotiae*, i. 96.

<sup>3</sup> *Chronicon Manniae*, p. 111.

<sup>4</sup> Bain's *Calendars*, vol. iv. p. 489.

<sup>5</sup> He had served both Edward I. and II. and had received manors in England and a knighthood for his services. He had made a peel or fort on an island in the Solway Firth, and was in 1311 constable of Dumfries Castle, which surrendered to Bruce in February, 1313. For information about him see numerous entries in vols. iii. and iv. of the *Calendars of Documents relating to Scotland*, edited by Joseph Bain; *Chronicle of Lanercost*, 207; *Rotuli Scotiae*, i. 625, 626, 629; *Dumfries and Galloway*, by Sir H. Maxwell, pp. 112, 114, and article in *Scottish Antiquary*, '97 (vol. xi. p. 104).

<sup>6</sup> When Henry IV. granted the island to Sir John Stanley, he gave him the patronage of the bishopric also.

<sup>7</sup> *Carta Thomae Randolphi Comitis Moraviae De Insula Manniae* (Add. MSS.). This mention of Inverness as the place of payment is very interesting, because it seems to indicate that the government of the isles centred in that town.

Notwithstanding this conquest, and the victory at Bannockburn, it is the English who seem to have been in possession of Man in the autumn of 1314, as Edward II., on the 28th of September, gave a safe conduct to William of Galloway and Adam le Mareschal, who were going to that island on the business of Henry de Beaumont.<sup>1</sup>

This re-conquest of Man from the Scots was probably the work of John de Ergadia, or de Ergeyl, *i.e.* of Argyll, who was Edward's admiral of the western seas of England, Wales, Ireland, and the Isles of Scotland,<sup>2</sup> as in February, 1315, King Edward, in addition to a grant to him to make good his losses from the Scots, ordered a further amount to be given to him for the support of his men keeping the Isle of Man, from which he heard he had recently expelled the Scots rebels.<sup>3</sup>

In a further document, dated a few days later, the king commanded the Justiciar and Treasurer of Scotland to cause certain Scottish rebels recently captured by John of Argyll's men and mariners on the sea coast of Scotland, 'at present secured in the Isle of Man,' to be taken to Ireland.<sup>4</sup>

In the following year (1316) a certain Donekan Makoury, a subordinate of John of Argyll's, complained that he had served against the Scots during the whole year in Man, and that he had had his lands destroyed by them.<sup>5</sup> Evidently, therefore, English and Scots were fighting in Man,<sup>6</sup> but who was left in possession is uncertain. Probably, however, it was the English. For we find that in July, 1317, Edward committed the island to the keeping of Sir John de Athy, whom he ordered to provide three ships and a sufficient number of warlike men to protect it against the Scots. Sir John, in the same month, captured a Scottish pirate called Thomas Dun, killing all his men except himself and his cousin, and ascertained from him that the Earl of Moray was about to attack the island.<sup>7</sup> Three months later, the earl was about to set out for Man, but there is no account of whether he arrived there or not. In 1318 there was a truce

<sup>1</sup> Bain's *Calendars*, vol. iii. 391.

<sup>2</sup> *Ibid.* vol. iii. 479.

<sup>3</sup> *Ibid.* vol. iii. 420.

<sup>4</sup> *Ibid.* vol. iii. 421.

<sup>5</sup> *Ibid.* vol. iii. 521.

<sup>6</sup> It is in this year, according to the *Chronicle of Man* (p. 113), that the Manx were defeated, and the island sacked by a body of malefactors from Ireland (*de Hibernia*), under Richard de Mandeville. The *Chronicle* calls them *Hibernici*, but possibly Irish should be Scottish (see p. 407).

<sup>7</sup> Bain's *Calendars*, vol. iii. 562.

between Scotland and England, and in 1328,<sup>1</sup> when the independence of Scotland was formally acknowledged, the King of England gave an undertaking not to assist any enemies of the Scots to dispossess them of Man. It is therefore probable that that island had been restored to Scotland in 1318, and that it had remained in its possession since then. Some confirmation of this is given by the fact that Thomas Randolph, who is styled 'Earl of Moray, Lord of Annandale and Man,' granted a safe conduct to go there in 1322.<sup>2</sup>

In 1326 the Prior and the Canons of *Candida Casa*<sup>3</sup> (Whithorne) in Galloway, who had already been given lands in Man by Randolph, also received from him, besides churches in Galloway and Kintyre, the church of 'S. Brigide in Lair,'<sup>4</sup> i.e. of S. Bride in the Ayre.<sup>5</sup> In 1329 one tenth of a penny on Manx farm rents, which amounted to £150, was paid into the Scottish exchequer,<sup>6</sup> and, in September of the same year, when Richard de Mandeville, with a multitude of Scottish felons,<sup>7</sup> probably disaffected subjects of the youthful king of Scotland, attacked Man, Edward III sent an expedition to drive him out. He may, taking advantage of Bruce's death in this year, and the accession of David, a child of seven years old, have done this with a view of seizing Man, but, on the other hand, it is possible that he was simply carrying out his promise, Mandeville's usurpation being dangerous to both kingdoms.<sup>8</sup>

<sup>1</sup> In this year Bernard, the elect bishop of Sodor (a Scotsman), received £100 from the Scottish king for the expenses of his election (*Rot. Scacc. Reg. Scot.* vol. i. p. 114).

<sup>2</sup> Bain's *Calendars*, iii. 746.

<sup>3</sup> See p. 394.

<sup>4</sup> We learn this from a confirmation of the above grant given in 1451 by James II. of Scotland, which is recorded in the *Registrum Magni Sigilli Scotorum* (Charter No. 461). The grant as regards lands in Man was then, of course, futile, as the Prior of Whithorne was probably deprived of the monastery's lands in Man in 1422. Our Statute Book in that year (p. 21), states that when the barons of Man were summoned to do fealty to Sir John Stanley, the Prior of Whithorne, who was one of them, 'came not,' and was therefore among those who were 'deemed by the Deemsters, that they should come in their proper persons within forty days, or if they came not, then to lose all their temporalities, to be ceased into the Lord's Hands in the same Court.'

<sup>5</sup> The corruption *Lair of ny Heyrey*, i.e. 'of the Ayre,' is interesting. We find also *ly-ayre* or *le-ayre*, and the modern name of an adjacent parish is Lezayre.

<sup>6</sup> *Rot. Scacc. Reg. Scot.* vol. i. p. 151.

<sup>7</sup> It is curious that he should lead Irishmen in 1316 and Scotsmen in 1329.

<sup>8</sup> <sup>2</sup> Ed. III. *Rotuli Patentium et Clausarum Cancellarie Hiberniae*.

In 1331 the clergy of the Sodor diocese sent a contribution of £60 to the King.<sup>1</sup>

Two years later war broke out between Scotland and England, and Edward took possession of Man, granting it to Sir William de Montacute.<sup>2</sup> But Sir William, who was created Earl of Salisbury in 1337, seems to have been unwilling or unable to protect the island against the Scots, who, profiting by England having become involved in war against France in 1336, again threatened it. We do not know whether they conquered it or not. Edward speaks of the bishop, a Scotsman, as being his liege man in 1340,<sup>3</sup> but it does not necessarily follow that he held Man in that year. In 1342 'the men of the community of the Isle of Man' paid a fine of three hundred marks in order to 'enjoy a certain sufferance of peace' with the Scots for a period of one year, and, in the same year, Edward permitted 'honest men' of the Isle to treat with them provided that they did not afford them assistance with arms or provisions.<sup>4</sup> This state of affairs must necessarily have been put an end to by the battle of Neville's Cross in 1346, and thenceforth, though the Scots had by no means given up the idea of recovering Man, they never again made any formidable attempt to enforce their claim to its possession.

In 1359 the *Rotuli Scaccarii Regnum Scotorum* contain what appears to be the unnecessary information that no rent was received from the Isle of Man in that year.<sup>5</sup> We may mention that in the *Registrum Magni Sigilli Regnum Scotorum*<sup>6</sup> there is a curious incomplete document in which it is stated that King Robert of Scotland had inspected a deed in which George de Dunbar, Earl of March and Lord of Annandale and Man agrees with James de Douglas that he should marry his (George de Dunbar's) sister Agnes and in which he promises them one hundred librates (5000 acres) of land in the Isle of Man, when he or they can get possession of it. As far as we know, however, they made no attempt to do so. But though Man was never again to fall under the rule of Scotland, the ancient kingdom of which it had once formed a part was being gradually absorbed by that country.

<sup>1</sup> *Rot. Scacc. Reg. Scot.* vol. i. p. 396. In this year Friar John of Man received an annuity from King David. *Ibid.* p. 358.

<sup>2</sup> *Fædera*, 7 Ed. III.

<sup>3</sup> *Close Rolls*, 14 Ed. III. p. 2, m. 9.

<sup>5</sup> Vol. i. p. 570.

<sup>4</sup> *Rotuli Scotiæ*.

<sup>6</sup> Vol. i. 1814, p. 125.

## Connexion between Scotland and Man 409

Caithness was added to the dominions of the Scottish King some time in the fourteenth century, the Orkneys and Shetlands were part of the dowry of Margaret, daughter of Christian, King of Denmark, when she married James III in 1468, and the Western Isles were finally annexed in 1493, when John, the last Lord of the Isles, was deprived of his title and estates.<sup>1</sup>

ARTHUR W. MOORE.

<sup>1</sup> I have to thank George Neilson, Esq., LL.D., for advice and assistance in the preparation of this article.

## The Cardinal and the King's Will.

*'Fy! fled Oliver! Is Oliver ta'en! All is lost!'*

This refrain came less often, and in fainter tones, from the lips of the dying King. The light of the wind-shaken flambeaux flared on the walls, hung with gold-hued leather stamped with the Thistle of Scotland, and the Lilies of France. The flames danced red on pale faces of many men scattered through the chamber of death. By the bedside was the grave doctor of medicine, Michael Durham, an austere Puritan, with his *aromatarius*, or apothecary, behind him; watching the wasted features, and wiping with an essenced kerchief the pale dank brow, of the unhappy prince. Further back, with aspect of mourning, stood but four or five of the great nobles; in a corner were huddled in whispered converse, three priests; their work was done, the King had been fortified with the last rites of the Church.

In a large chair by the fire sat a man in scarlet, his face, fair and foxy, now bent over the dance of lights and sparks on the hearth; now suddenly turned on the dying King, in the shadow of the violet velvet curtains of the Royal bed. Once the man mechanically put forth his hand to caress a great deerhound, stretched in seeming sleep in the glow of the fire; but the hound, with a low growl, flashed his white teeth, and the delicate priestly hand with the sapphire ring was hastily withdrawn.

*'Fled Oliver! Is my standard tint! All is lost!'*

The refrain came fainter, now, and broken with a sob.

The man in scarlet arose, and walked stately through the line of nobles, thrusting aside the *aromatarius*, while the surly physician made reluctant way for him, to the bedside. With a sudden sweep of his hand he drew the violet velvet curtains close behind him. He was alone, in the dusk, with the dying King! What wrought this strange masterful priest? *There was one who watched!* The despised *aromatarius*, stooping at the bed-foot, applied his eye to a rat-gnawed chink in the curtain; a gap left undarned by the heedless chamberlain of Falkland.

What the *aromatarius* saw was this :

The man clad in scarlet took from his breast an inkhorn, a pen, a quire of paper. Seizing the King's dying hand in his own, he dipped the quill in the inkhorn, and applied it to the paper. The strong white fingers of the Cardinal, above the yellow claw of the Royal moribund, moved for a moment's space. Then, drawing from his breast a little silver phial, the Cardinal scattered sand over the wet paper, while the death-rattle sobbed through the melancholy chamber. The man in scarlet replaced paper, inkhorn, pen, and phial, in his vestment; with a wave of his hand he threw back the curtains; the nobles reverently knelt around the bed, and on the last sob of the King followed the Cardinal's sonorous *Pax cum anima sua*, echoed by the priests' *In manus tuas, Domine!*

King James the Fifth had gone to his account; and a blank, signed by the dead man's hand, was in the Cardinal's keeping! 'Twas twelve of the clock at night, of Friday, December 15, 1542.

The local colour, whether correct or not, is laid on pretty thick in this impressive passage. You will find the essence of it, however, in all our histories. Is it a likely story? Could Cardinal Beaton expect to do the trick described, in the manner described, or in any other manner, without instant detection?

The story is given more briefly in the only known evidence, (beyond mere gossip,) for the tale; in the words of the Earl of Arran, Governor of Scotland, to Master Sadleyr, representing Henry VIII. at the Court of Holyrood. 'The Cardinal did counterfeit the late King's testament; and when the King was even almost dead he took his hand in his and so caused him to subscribe a blank paper.'<sup>1</sup>

Arran had not been present at the Royal deathbed; he named no man who was present and saw the doing of the deed; he did not show the will; and no witness pretends to have seen it to this day; he had been on ill terms with the Cardinal, and had been vilifying him, for four months before he told his myth to Sadleyr (April 12, 1543), but he is never known to have told it before, in answer to the questions of Henry VIII. Yet our historians, almost to a man, accept this unproved and improbable legend of what Mr. Froude calls 'an impudent forgery.' 'It has been proved,' writes a recent and careful author, 'that Beaton forged

<sup>1</sup>Sadleyr to Henry VIII., Edinburgh, April 12, 1543. *Sadleyr Papers*, I. 138  
1809.

an instrument according to which he would have been the first man in the country.' But the 'proof' is not a will signed by the dead or dying hand of King James, and, whatever it may prove, it does not prove either forgery, or the Cardinal's use of the hand of the dying monarch. Now whether the Cardinal was, or was not a forger, makes no odds to any mortal. But it is important that history should not take things for granted on no evidence.

We must first show in what state of things the will was forged, if forged it ever was. In 1542, a series of quarrels and misunderstandings between Henry VIII. and James V. had led to war, and many of the Scottish nobles, both Catholic and Protestant, had been taken prisoners by the English, at the shameful defeat of Solway Moss (November 24). The country, too, was divided within itself. The great House of Douglas had for years been in well deserved exile, pensioners of Henry VIII.; the Earl of Angus dwelling in England, while his brother, Sir George, made his headquarters at Berwick, having his spies about the person of King James, and betraying military and political information to Lord Lisle, the English warden of the Border, residing at Alnwick. In Scotland, the Protestant nobles, in England the many captive nobles of both faiths, were inclining to be allies of Henry VIII., and some were bitter enemies of Cardinal Beaton, and of the Catholic and French party, while Henry was asserting the old English claim to absolute sovereignty over Scotland. In these circumstances the defeat of Solway Moss broke the heart of James V., then a man of thirty. The King died, (as Sir George Douglas heard on December 17, from a confidential Royal servant, a spy of his own,) *at midnight*, whether on December 14 or December 15 is disputed. The later date is the more probable.

If the King left no will, nor any authentic account of his wishes concerning the Government during his child's minority, all would be anarchy. The exiled Douglases under Lord Angus, for long pensioners and subjects of Henry VIII., would certainly make an effort to come back; and Henry VIII. would send back his prisoners on parole, sworn to return to captivity if they did not carry out his schemes for seizing the Scottish Crown, the baby Queen, the fortresses, and the Cardinal. In these circumstances it was most desirable to have a Regent, or Regents, to carry on the government. The natural choice would be the Earl of Arran, who, failing the infant Mary, was heir to the Crown of Scotland. But Arran was young, about twenty-four years of age, was inexperi-

enced in affairs; was called 'a simple man,' 'a gentle creature,' by his best friends, and was of disputed legitimacy, while members of both parties described him as false, a dissembler, and beyond belief inconstant. His clan, the great House of Hamilton, always had their hopes fixed on the Crown, and were regarded as pre-eminently brutal, predacious, and unscrupulous, even in these days of anarchy, 'shrews and evil men.'<sup>2</sup> Again, Arran was very strongly suspected of Protestant opinions. He was thus, in the eyes of Beaton and the party of France and of the Church, an evil Regent, if in sole authority. On the other hand, if Beaton could be adjoined to Arran in the Regency, Arran would be wax in his hands, and would be diverted from the Protestant and English interest. In less than a year after James's death, Beaton had brought matters to this posture;—Arran as puppet Regent, Beaton pulling the strings,—and thus the Cardinal actually defeated the ambitions of Henry VIII., and preserved the national independence of Scotland.

Now the strange thing is that if, on the death of James, Beaton either forged a Royal will, or procured fraudulently a notarial document setting forth James's last wishes, the will or document placed Arran in the position most fatal of all to the Cardinal's policy, that is, Arran would be left out in the cold, with every temptation to lend the weight of his clan, and of his claim as heir apparent, to the faction of England and of Protestantism.

It is obvious that nothing could suit Beaton worse. Yet the only extant document in the case, purporting to contain the last wishes of the King, does exclude Arran absolutely from power. Beaton did not take action on this document: on the other hand, Arran was at once, three days after the King's death, associated with him and with three nobles who *were* named in the deed. Does this look as if the deed were a fraudulent paper procured by Beaton?

Meanwhile, had James left *any* will, or *any* directions, as to the Regency? There was found, some twenty years ago, among the papers of the Duke of Hamilton, the document to which we have referred, a formal 'notarial instrument' in Latin, signed by Henry Balfour, 'priest in the Diocese of Dunkeld, and notary by Apostolical authority.'<sup>3</sup> Balfour writes that he was present, and made record of (*in notam sumpsi*) the facts which he chronicles.

<sup>2</sup> *State Papers*, Henry VIII., Vol. V. Pt. IV. p. 239. Lisle to Henry VIII. Jan. 9, 1542-43.

<sup>3</sup> Published in *Historical MSS. Commission's Report*, XI. Pt. VI. 219-220.

Of Balfour we only know, from the manuscript of the Treasurer's Accounts,<sup>4</sup> that from 1536 to 1539 inclusive, he received a salary or pension from the King, and sums of money to distribute among the poor, in return for their prayers for the Royal welfare. Balfour writes that, about the seventh hour before noon, on December 14, 1542, King James, weak in body but sound in mind, solemnly nominated four tutors for his infant daughter, and 'as far as he legally may' Governors of the realm during her minority; namely Cardinal Beaton, the King's own natural brother, the Earl of Murray, (he was Lieutenant General of the kingdom,) and the Earls of Huntly and Argyll. As witnesses are named Balfour himself; Learmont of Dairsie, Master of the Household; Kemp of Thomastown, a gentleman of the bed-chamber; William Kirkaldy, younger of Grange; the Court physician, Dr. Michael Durham; three or four priests, the apothecary, and others, in all twelve, reckoning Balfour. Of these Durham, Learmont, and Kirkaldy were or became noted Protestants: Kirkaldy later, during the murder of the Cardinal, watched the postern gate of St. Andrews Castle to prevent his escape.

Such is the document, without seal, or signatures of witnesses, which do not seem, (though it is not certain) to have been indispensable. I am informed on good authority that the instrument is 'a genuine document.' It is endorsed, in another and contemporary hand, 'Schir Henry Balfour instrument that never was notar,' apparently meaning that Balfour was not a notary. If so the document was void, but, as Mr. Morland Simpson has remarked,<sup>5</sup> 'had the witnesses not been present, as alleged in the document, what greater folly than to say they were?' Certainly the Cardinal must have supposed that Balfour was a notary, and that the witnesses would bear favourable testimony, otherwise he would not have 'taken the instrument,' as the phrase went. We may dismiss the hypothesis that the deed was forged by Beaton's enemies to bring him into discredit. The deed is not a will, is not signed by the King, and is not a forgery. Of this notarial instrument not one word is said in the State Papers and the correspondence of the period. We first catch a glimpse of it in Book I. of Knox's History, written, but not published, about 1564-66, more than twenty years after the events.

What occurred next? Long before dawn of December 18, Sir

<sup>4</sup> General Register House, Edinburgh, MS.

<sup>5</sup> *English Historical Review*, January, 1906, p. 113.

George, at Berwick, wrote to Lisle that, as he heard, from the King's servant, and his own spy, Simon Penango, who had ridden from Falkland on December 17, the chief men of Scotland were convened in Edinburgh to choose four Governors, Arran, (*not named in the deed*), Murray, Argyll, Huntly, 'and the Cardinal to be Governor of the Princess and chief ruler of the Council.' All five, Douglas said, were cousins or brothers-in-law. On December 21, Lisle wrote to the English Privy Council, that as he heard, the King *willed before his death* that the Douglases might come home; and that the Governors should be *Arran*, Murray, Argyll, Huntly, 'and the Cardinal to be of council with them.' On December 24, Lisle writes that on Tuesday, December 19, the Cardinal, *Arran*, Argyll, Huntly, and Murray were proclaimed as Governors, in Edinburgh. They have spread abroad, he says, the story that the King, on his deathbed, commanded that the Douglases should be restored, if they would 'do their duty to their natural country,' a measure highly unwelcome, obviously, to the Cardinal.<sup>6</sup>

It is plain, and most noteworthy, that, though not named in Balfour's notarial instrument, the Earl of Arran, on December 19, was proclaimed Regent, in addition to the Four whom alone the document does name; and, according to Lisle, James 'willed this before his death,' that is, James included Arran in the list. Thus, if the Regents proclaimed the instrument of Balfour as their title to power, they had falsified it, and Arran was a party to the proceeding. If they did not proclaim the instrument, or any other document of the same effect, as their authorisation, then they had no authorisation at all.

It had so happened that, on December 16, Lisle sent a priest with a letter from Henry VIII. to be given into the hands of James only. Finding that James was dead, the priest gave the letter to the Scottish Council, about December 19 or 20. He was told to wait, and, on December 21, received a written reply from the Council. Arran bade the priest tarry till he could see him privately: probably on December 21-23.<sup>7</sup> Arran then gave the priest the following 'credence' or verbal message, for Lisle: 'Tell him that the Cardinal, who was with the King at his departing, and in whose arms he died, hath told to the Council many things in the King's name which he' (Arran)

<sup>6</sup> *Hamilton Papers*, I. 336, 340, 345, 346.

<sup>7</sup> *Hamilton Papers*, I. 345. The Council of Scotland to Henry VIII. The Council wrote to Lisle on December 23. *Hamilton Papers*, I. 350.

'thinketh is all lies and so will prove.' 'We have also,' writes Lisle to Henry VIII., in the same letter (December 30), 'otherwise been informed that the Earl of Arran called the Cardinal "false churl," and would have drawn his sword at him, saving that other of the Council went between them, but for what cause they so fell out, assuredly yet we know not.'

We do not know the date of this event, or the cause of Arran's anger, or what tidings of the King's last wishes, given by the Cardinal, Arran thought 'all lies,' and 'will so prove.' The tidings may have been the names of the four Regents, and the King's desire for the return of the Douglases. But, if so, Arran said nothing to the priest about the notarial instrument, and nothing about a will forged by the Cardinal. He could not speak of the instrument, if he took his own appointment under it—for he could only take that by a falsification of the instrument. He spoke merely of verbal messages, orally delivered by the Cardinal to the Council.

On January 5, 1542-43, Henry VIII., having read Lisle's letter of December 30, bade him write a private letter to Arran, modelled on a minute which he enclosed, 'whereby you shall provoke him to speak, and of his answer smell the better now he is inclined.' Lisle did write to Arran, but Arran did not answer his questions. Before receiving Henry's letter, Lisle, on January 5, 1542-43, mentioned the Archbishop of Glasgow as being then Chancellor of Scotland: a thing to be noted. On January 9, Lisle, reporting what seems to have been a second visit of the priest to Edinburgh, just before Arran was made Governor (Jan. 3, 1542-43), says that the Earl 'bade the priest resort not to the Cardinal, but to the Chancellor, the Bishop of Glasgow.'<sup>8</sup> Clearly the Archbishop of Glasgow, Gawain Dunbar, was much more in favour with Arran than the Cardinal, late in December. In ten or eleven days, their situations were reversed.

On January 5, Lisle had written about one Archibald Douglas who told him that, when King James 'had no perfect reason,' the Cardinal asked him whether he would choose *Arran*, Huntly, Argyll, and Murray as Regents, 'whereunto the King made no answer, albeit the Cardinal reported otherwise.'<sup>9</sup> Here Beaton's name is not among those of the Regents: the notarial document, as usual, is not mentioned. Meanwhile, on January 3, Arran,

<sup>8</sup> *State Papers*, Henry VIII., Vol. V. Part IV. p. 238. *Hamilton Papers*, I. 347-349.

<sup>9</sup> *Hamilton Papers*, I. 357.

at a meeting in Edinburgh, begun on January 1, had been appointed Governor of Scotland, 'by a private faction,' says George Buchanan, writing in 1571. The Hamiltons and the Protestants imposed him on the country.

Huntly, it would seem, did not attend this meeting, though interested as being one of the five Regents of December 19. We learn this from the useful priest: he was told, in Edinburgh, by Bruce, a retainer of Huntly, that he thought Huntly 'would not come at all, saying "Whosoever were made King of the South, he would be King of the North,"'—'the Cock of the North!' <sup>10</sup>

Now it is an extraordinary thing that Arran, so bitter against the Cardinal, and so favourable to the Archbishop of Glasgow, just before the meeting of January 1-3 by which he himself was made Governor, immediately after his own appointment to the Governorship, took the great Seal from the Archbishop of Glasgow, who had held it as lately as January 5, and gave the Chancellorship to the detested Cardinal! This great promotion, at the expense of the rival Archbishop, an opponent of the Cardinal's policy, and a friend of peace with England, was recorded in the Manuscript Register of the Privy Seal,<sup>1</sup> on January 10. The fact has entirely escaped the notice of our historians.

Why did Arran, fresh in supreme power, deprive a preferred and blameless prelate of the highest office, and confer it on a man whom he had been accusing of lying? Lisle put this natural question to Sir George Douglas, on February 1, who replied that 'the Cardinal caused the Governor to take the seal from the Archbishop of Glasgow, and to deliver it to him.' How could the Cardinal, but yesterday deep in Arran's bad graces, cause Arran to take this step? From the dates it is manifest that, while Arran was very hostile to Beaton just before the meeting of January 1-3, which made him Governor, just after that meeting he was at Beaton's beck and call. Thus it seems probable that Arran's appointment as Governor was the result of a compromise, of a game in which Beaton held very strong cards, even when unsupported by 'the King of the North,' Huntly; while Arran held no card, such as a knowledge of Beaton's guilt, which could enable him to resist the Cardinal's demand for the Chancellorship.

<sup>10</sup> *State Papers, Henry VIII., Vol. VI. Part IV. p. 238.*

<sup>1</sup> General Register House, Edinburgh.

But Beaton's happy condition did not last. By January 12, Sir George Douglas had crossed the Border, going in advance of his brother, the powerful Earl of Angus, and of all the noble prisoners on parole, who were sworn to put the Crown of Scotland on the head of Henry VIII., as he himself declares,<sup>2</sup> and to place the Cardinal in his hands. Henry had promised to back them with an army of 4000 horse: but these wicked Scots did not keep faith. On January 14, Douglas met Arran, and on January 15, the pair plotted 'to lay hands upon the said Cardinal, and pluck him from his pomp,' and deliver him over to Henry. So Douglas told Lisle, on January 20, and Lisle writing on January 21,<sup>3</sup> remarked, 'they will have the Cardinal by the back within this ten or twelve days.'

They were even better than their word. On January 27, as the Cardinal sat with the Council in the Hamilton rooms in Holyrood, they 'had him by the back,' seized him by force, the Earl of Angus leading, and shut him up in a Douglas house, Dalkeith, then the Earl of Morton's place.

They had caught a Tartar, for not a priest would bury, baptise, or marry throughout broad Scotland, then still Catholic. Angus told Mary of Guise, who was in Holyrood, and was alarmed by the noise of the affray at the Cardinal's arrest, that he 'was but a false trumping card, that should answer to certain points he had played.' But no points were ever 'laid' to him, though Henry VIII. (March 13) heard that Sir Thomas Erskine, who had been deprived of a post at Court, was trying to buy it back by hinting that he could tell tales of the Cardinal, an he would.<sup>4</sup> No charges were ever made, though Parliament met on March 12; in the Cardinal's absence, and in 'his enemies' day'; and, on March 30, Henry VIII. wrote to Sadleyr, who represented him at Holyrood, 'we could never yet hear from them what special things they had to lay against the Cardinal when they took him.'

They had no 'special things to lay' against Beaton, or, officially, they never would commit themselves to anything special. There was gossip enough, I do not enter on the tattle.

Beaton had been in no danger: he had friends, he had money, and by March 23 was in his own strong castle of St. Andrews. Arran protested to Sadleyr that he had no part in the Cardinal's release. He swore 'sides and wounds'; he abounded in

<sup>2</sup> Henry C. Dudley, November 12, 1543.

<sup>4</sup> *Hamilton Papers*, I. 466.

<sup>3</sup> *Hamilton Papers*, I. 387-392.

<sup>5</sup> *Hamilton Papers*, I. 494.

blasphemous oaths to prove his veracity,—and he went on to lie!<sup>6</sup> Sadleyr asked Arran, on April 12, what *was* the charge against the Cardinal? He had been told by Lord Somerville, on the previous day, that Arran had pardoned the Cardinal for forging the King's will. Arran denied the pardon, and said, that 'the *principal* matter whereon the Cardinal was taken' was a report to the Scottish Council, in a letter from Lisle, that the Duc de Guise was about to land with four ships of war in Scotland.<sup>7</sup>

Arran's story was false. Douglas and Arran had decided on January 15, to 'have the Cardinal by the back,' before Lisle himself knew that there was so much as a rumour of Guise's invasion. Lisle was informed about Guise by a letter from the English Council, written on January 19, which had not reached him when Sir George Douglas told him, on January 20, of the plot devised between Arran and himself to seize Beaton.<sup>8</sup>

Arran, having fabled on this point to Sadleyr, went on to say that another reason for arresting Beaton was this (which we have already quoted), 'He did counterfeit the late King's testament; and, when the King was even almost dead, he took his hand in his and so caused him to subscribe a blank paper,' which, we presume, he later filled up to his liking.<sup>9</sup> What did the Cardinal put down under James's signature? We only know that, thirteen days after Sadleyr's letter to Henry, (April 12) that prince bade him say to Arran, 'Can you think that you shall continue Governor when the adverse party that would have made themselves by a forged will regents with you, or rather excluded you, shall have authority . . . ?',<sup>10</sup>

It would appear then, if we may combine our information, that Beaton is accused by Arran of having made the dying hand of James sign a blank, and of filling up the blank with King James's wish that 'the adverse party,' Beaton, Murray, Argyll, and Huntly, shall be Regents, Arran being omitted. Of course, if this was true, Beaton must have produced the will when it would, if ever, be serviceable, that is, on the King's death. If

<sup>6</sup> *Sadleyr Papers*, I. 136-142.

<sup>7</sup> I have no evidence that there was any ground for this rumour of Guise's expedition. It may conceivably have been planned when the news of the death of James V. reached the French Court.

<sup>8</sup> *Hamilton Papers*, I. 384-391.

<sup>9</sup> Sadleyr's *State Papers*, 1809, I. 138.

<sup>10</sup> Henry to Sadleyr, April 25. *Hamilton Papers*, I. 527.

he did, Arran reported nothing about it at the time, and if forgery was proved against Beaton, how could Arran possibly make him Chancellor at the very earliest opportunity?

What is the value of Arran's word, and of Arran's oaths 'by God's Sides,' and 'by God's wounds'? As for Arran's veracity, two lords of his own party, Protestants, Glencairn and Maxwell, told Sadleyr that they believed Arran had been lying to him on another matter.<sup>1</sup> Lord Fleming told Sadleyr that Arran was 'the greatest dissembler in the world.'<sup>2</sup> Such was their estimate of Arran's veracity. If the estimate be correct, his charge against Beaton is most assuredly not proved.

What was the effect of Arran's tale upon Henry VIII.? Within three months (May 1?), through his Privy Council, he bade Sadleyr offer to the Cardinal an English bishopric, if he would turn his coat!<sup>3</sup> Henry, of course, may have meant to deceive Beaton, that is another question. As for Arran, after an almost incredible series of shiftings from the Protestant to the Catholic camp, and back again, he suddenly, for no known reason, rushed into Beaton's arms, and remained as true to him as it was in his nature to be to anything or anybody: save that he was honest as regards the infant Queen.

I have given the facts, and Arran's stories.

I have not space to cite, and we may entirely disregard, the rumours given in the letters of Chapuys, the Imperial Ambassador, because he thought he knew the nature of the charge against Beaton, while Henry VIII., till after April 12, did not know. The letters of Chapuys merely refract rumours, derived from the letters of the Wardens of the English Border. The historians, Knox, (writing about twenty years after date) and Buchanan, whose works are of 1571, and 1582, do not even know what Regents were proclaimed on December 19, 1542; they vary from each other and they are both wrong. They confuse the mythical forged *will*, signed by 'a dead man's hand,' with the extant notarial document.<sup>4</sup>

Knox tells us, and nobody else does, that the Regents of December 19 'took remissions for their usurpation,' on Monday, December 25, 1542. As they alone were in power, who could

<sup>1</sup> Sadleyr to Henry VIII., July 28. *Hamilton Papers*, I. 605, 606.

<sup>2</sup> Sadleyr to Henry VIII., *State Papers*, I. 134.

<sup>3</sup> *State Papers*, Henry VIII., Vol. V. Pt. IV. p. 284. Cf. *Hamilton Papers*, I. 653.

<sup>4</sup> Knox, *History*, I. 91-93. Buchanan, *History* (1581). *Admonition to the Trew Lordis* (1571).

give them 'remissions'? If, blundering as usual, Knox means Monday, January 1, the 'private faction' which then chose Arran as Governor, might have given indemnities to the Regents. But, if so, they would be valueless till ratified, as Arran's appointment was ratified, in the Parliament opened on March 12, 1542-43. The records of that Parliament mention no such remissions: they are not mentioned in the Registers of the Great or the Privy Seal. Thus we have no proof of any forged will, and absolutely no official mention, even in diplomatic letters, of Balfour's instrument.

To end with my own impression; I think it probable that the notarial instrument was the basis of a compromise between Arran and Beaton, before Arran became Governor (January 1-3, 1542-43). Arran got the document, it is now in the muniment room of his representative, the Duke of Hamilton;—and the Cardinal caused Arran to take the Seal from his rival, the Archbishop of Glasgow, and to make him Chancellor of Scotland: though Arran, as we saw, had been trusting the Archbishop (to whom he restored the Great Seal in March, after the arrest of Beaton,) and snubbing and vilifying the Cardinal. In these circumstances, all parties were careful to make no allusion to the notarial document.

If there were a compromise, by January 1-3, 1542-43, what did the other Regents of December 19 obtain? On January 9, 1542-43, Argyll got a nineteen years' lease of the lands and lordship of Breadalbane, with other *douceurs*. On January 21, Huntly got a five years' lease of the lands and lordship of the Braes of Mar, &c.; and leases and escheats continued to fall into the laps of these potentates. (March 18. March 29. April 27. May 25).<sup>5</sup>

It may be urged, against my hypothesis, that the hold over Arran which Beaton possessed was a threat to go into the question of his legitimacy. Had Arran's father's divorce from his first wife, who was childless, been valid? If not, Arran was not heir apparent to the Scottish throne. I am inclined to think that this was not Beaton's hold over Arran, in December-January 1542-43. One reason is that Arran could not, by any promotion or gifts, wrench that instrument of torture from the Cardinal's hands, whereas, the notarial instrument once in his possession, he was safe as far as *that* went. The other screw, the possibly invalid divorce, Beaton could use at any time; while, by a

<sup>5</sup> Register Privy Seal, MS. General Register House, Edinburgh.

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curious coincidence, the Protestants could equally bastardise Arran, by applying what Glencairn called 'the law of God' to his case, if he sided with their opponents, and if their party were successful. In short, it was useless to pay blackmail to the Cardinal, without depriving the Cardinal of his means of extorting blackmail. Of the screw based on his doubtful legitimacy, Arran could deprive neither the Cardinal nor the Protestants. He consequently threw the weight of his clan, and his pretensions, alternately into the scale of the cause that appeared likely to triumph on each occasion. The obscure and complicated facts as to the elder Arran's divorce of his first wife are likely to be elucidated soon, as far as possible.

ANDREW LANG.

## The 'Diary' of Sir Thomas Hope (1633-45) Lord Advocate (1616-46)

OF all contemporary materials for historical study none are more valuable than those 'human documents,' Diaries and Letters. The Scottish national character for marked individuality has so seldom indulged in personal revelation of opinion and feeling that it is unwise to overlook the few specimens we have. Such neglect seems to have overtaken the 'Diary' of Sir Thomas Hope. Published more than sixty years ago by the Bannatyne Club, historical writers have done little to popularise its merits. The editing of the volume gave no help in reading between the lines, though it was a great service even to put into print the very small and obscure writing of the MS., still preserved at Pinkie House by Sir Alexander Hope, the representative of the elder branch of the family founded by Sir Thomas. At first sight but a series of short, disconnected entries, the 'Diary' is found to throw a flood of light on the public events of what was one of the most momentous periods of British history. Besides, it reveals the *vie intime* of an interesting character, his social and professional life in Edinburgh and in his rural retreat, his intellectual calibre, and his attitude to contemporary movements in Church and State.

The 'Diary' is not only a private confessional, but a record of daily occurrences as affecting not only a public man but a citizen of the capital and a country gentleman. In regard to public events there is the reticence to be expected. But the expression of personal feeling and of the ties of family relationship is of the frankest. In this last respect it is, for its time and country, unique. We have no such picture of family life as this revelation of the grandson of an exiled Frenchman, a Des Houblons of Picardy, assimilating all the Calvinistic sincerity and dourness of a time and country in which these qualities were so conspicuous. It is possible, in a limited space, to exhibit but a few of the features of the work.

As King's advocate Sir Thomas was in a position to see everything, and especially events that seem to us of great moment. Keen as all his compeers were in business and the watchful study of character and conduct, shrewd in a bargain or a law plea, sticklers for orthodoxy in so far as prudently and privately interpreted, we can only regret that neither he nor any other of his day ever dreamt of being a Pepys or a Walpole. Thus in the 'Diary' Montrose is, 'about 8 of nycht, putt in the Castell be the Committie, June, 1641,' without a word of comment. Next month there is the off-hand entry:—'Mr. John Stewart beheidit at the Mercat Croce for his leyis aganis the Erll of Ergyll.' We have more about the King's last visit and Parliament in Scotland, when he was so hastily called away by the rebellion in Ireland (1641), but this we owe to a hot point of privilege between the Advocate and another officer of State. The Privy Council sat long over the Royal Proclamation of the visit 'till efter tuelff. Bot the knok wes holden bak, and the croce clothit with tapestrie, quhilk the Prouest and Baillies being sent for could not find. But I causit bring als monie furth off my hous,' (in the Cowgate and not far off) 'vthorwais it wald haif bene done without couering.' There was not much enthusiasm in the Covenanting Town Council of Edinburgh over the visit.

As the time drew nearer there were other difficulties, the Earl of Winton telling the Privy Council that he was 'inhabill to ludge the King at Seytoun,' near Prestonpans and one of the finest mansions in Scotland. The King arrived at Halyruid at last, 'about six at evin.' Three days later he 'cam to the Parliament in coche, about 10.' It was held in the new Parliament House, in the hall as we see it now. The huddled up close of this Parliament, marking, as it proved, the crisis of the King's fate, is significantly noted in brief:—'17 Nov. The Parliament raid. 18 Nov. The Kingis Majestie tuik journey to Ingland.'

The stirring events of 1638 are but briefly referred to, but there was natural confusion in the capital, when with the following spring came the news that the King was preparing to suppress the Covenant by force of arms. There is a brave 'wappenschawing' in Edinburgh at which the College of Justice musters 500, including 'ane number of the auld advocates and wryters.' A few days before, the Castle is 'braschit be pittardis and takin be the nobilitie.' Young Sir Thomas commands General Leslie's bodyguard, while his brother and brother-in-law, Sir Charles Erskine, both rode out under the Banner of the Covenant. Sir

Thomas himself could hardly be a combatant, so he hands over his arms to his sons:—‘My putrinell or carabin, indentit of rowat’ (? Rouen) ‘work; sword and pistolles; long carabin of rowet work all indentit’ (inlaid), ‘with the brace iron key and gold string; litill rowat carabin of mother-a-perill stok, to be usit quhen I haif not to do therwith, but to be readie quhen I call for it.’ While at his house of Craighall he buys in Cupar, near by, two pistols, which he entrusts to his man there, along with the ‘calmes key’ or mould for bullets, ‘to keip and dress for my use.’ There is also the anxious stowing away of valuables. Sir Charles Erskine is instructed ‘to put within my little irne kist his coffer with jewellis. All thir, with the meikill irne kist and writts being therin, ar putt in the laich volt cellar for eschewing of fyre; and committis the rest to the Lord.’ Later on Lady Hope, with a packet of letters, crosses over from Fife ‘to close vp the voults, and sand the vpmost houssis for feir of grenades.’ Meantime the King’s fleet appears in the Inchkeith roads and his army is nearing the Border. At Foulden, near Berwick, the Advocate meets his Majesty in conference. The Estates are thereafter summoned, a peace is patched up, and the King makes a hasty return southwards to meet still more serious troubles.

The crisis of the Parliamentary struggle came in 1643, when the Solemn League and Covenant finally commits the whole Covenanting strength to the overthrow of the King. Sir Thomas notes the momentous ‘subscryving in the Eistmost Kirk of St. Jells’ (13 Oct.). Among others ‘Mr. Merschell, the Inglische minister’ (the Stephen Marshall of Milton’s ‘Smectymnuus’), ‘spak, being sitting with the Inglische Commissioners under the reideris dask; and the nobilmen satt foiranent the minister, at the syd of ane tabill covert with greyn; and all the persones of the Committie satt at the tuo endis of the tabill, in a traverse tabill both south and north.’ Sir Thomas tells us that ‘being thair I renewit my vow to adhere’ to the Covenant, but he wisely stopped short at that part which required him ‘to mayntene the privilegis of the Parliament of Ingland,’ with which as a subject of Scotland he had nothing to do. This precisely involved the point on which the covenanting parties were to split. But as yet all are on the full tide of the new enthusiasm. With the new year the ‘old crookbacked soldier,’ General Leslie, marches south with that Scotch contingent that was to prove the undoing of the King:—(8 Jan., 1644) ‘General Leslie cam to my chamber about 6 at nycht and tuik leave of me, being to

begin his journey to Ingland on the morow.' With him went the recruits from Sir Thomas's own lands:—' This day, gevin to the soiours of Craighall, quho gois vnder Capt. Moffet, ilk of them thair collors' (colours) 'of blue and yellow silk ribbins, quhilk cost 4 merks. To them to drink amang them, j angell.' Of the terrible doings of Montrose in harrying the land for King Charles during the following summer the 'Diary' says nothing, but in a letter to Sir Charles Erskine (7 Aug., 1645) he is told how the fiery Royalist swept over the plain of Alloa and Dollar like a blight, and, as a matter of personal interest to Sir Charles, he adds, 'this last nycht thay wer at Alloway, quhair as I heir Montroiss wes resett be zour brother' (Earl of Mar), 'quhilk I will not believe.'

It is the Church and not the Law that connects Sir Thomas with two notable contemporaries, Johnston of Warristoun and Alexander Henderson, joint authors of the National Covenant. The former is entered as a name and nothing more. Henderson's historic appearances are noted, as well as some of the occasions when he was heard preaching, but without a single indication of the impression made by this very remarkable man. In 1642 he baptizes a grandchild of Sir Thomas's, one of the witnesses being Sir William Dick, the great banker who financed the Covenanted resistance. The same year found Sir Thomas at his <sup>1</sup> place of Cramond, where he had built the laird's aisle in the church. Here 'Mr. Alex. Henrysoun, ministrat the Communoun for x tables, and also preichit eternone.' On both occasions the memorandum, *palliatus*, is added, as if he regarded the fact of the preacher being gowned as a Prelatic innovation. He elsewhere records his objection to Laud's innovation, kneeling at the Sacrament, as well as the fact that that prying prelate had written him a letter reprimanding him for communicating at Pencaitland, doubtless in offensive Low Church fashion. Henderson's sermons are almost the only ones of the century that make tolerable reading to a modern, so that it is unfortunate we do not have; from so shrewd and honest a layman, some estimate of the effect on this occasion. It is quite characteristic, however, to note only that Henderson was gowned, perhaps as an

<sup>1</sup>This 'Place' is better known as Hopetoun. Sir Thomas's son, Sir James, fell heir to it and to the Leadhills mines through a marriage that his shrewd father negotiated for him. His grandson, Charles, was first Earl of Hopetoun and ancestor of the Marquis of Linlithgow. Sir James sat on the bench (1649-61) as Lord Hopetoun.

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expression of the preacher's dislike to the growing influence of the Brownists or Independents who were soon to rob the old Scots Church service of much of its beauty.

The nearest church to the Cowgate house was the Magdalen Chapel, close to the base of the Free Library, but it is mentioned once, and then only in the matter of the baptism of a grandchild, 'verie waik, and I desyrit him to be baptisit; quhilk my wyff excusit, that they durst not tak the bairne furth in the cold air.' The compromise was the Chapel, but 'my wyff wes angrie at my greife.' As a State official Sir Thomas would be expected always to worship in the East Kirk of St. Giles, where he must have been a steady attender, to judge by this:—'At 2 afternone I had a heavy brasche of the colick, quhilk vexit me till I vomit all, and gatt rest in my bed till Sounday in the morning, at quhilk I wes delyverit, and rose to the preaching; for quhilk I gif God prais.' Sometimes a fire perturbed the congregation. On a Sunday in 1639 Mr. Alex. Henrysoun has just begun the exhortation prayer when there was a fray in the kirk, due to the report of a fire in a house 'on the north syd of the gait; quhair-upon a gritt part of the pepill, with the Provest and Magistrates, ischit furth; and the minister stayit till thair return, be the space of 3 quartern of ane hour.' Altogether the clergy, even the leaders, get no prominence in the 'Diary,' strengthening the general impression one must form that the momentous rising of 1638 was essentially a movement of the barons, deeply roused by the King's threatened resumption of the Crown teinds in the hands of the lay patrons.

Sir Thomas was a devout man both in public and private according to the fashion of the time. We have no note of long wrestlings in private prayer such as Johnston of Warristoun is said to have indulged in, though he tells us once of being so engaged before rising in the morning, when he is answered by spiritual whisperings, unheard, he adds, by his wife. To that gross form of superstition—witchcraft, and demoniacal possession—there is no reference. But it is characteristic of that 'closer walk with God,' ever present to the Covenanter, that he reads a divine message in all his spiritual communings. His record of them we ought to be grateful for, since it brings us into the closest personal touch with him.

The old-world pride of family is revealed in the estates purchased as well as in the numerous references to the doings of the children and all the tender ties formed through them. In

this there is some compensation for the absence of that shrewd observation of men and things which was scarce possible in those days of caution, reticence, and often forced religiosity. Such references are all the more valuable, too, because we have scarce any pictures of family life at that time. The sons—John, Thomas, James, and Alexander, the scheming for their worldly advancement, the girls, and their husbands, and children—these all figure with more or less fulness in the 'Diary' and 'Letters.' Of their mother there are few direct personal notes, a revelation quite in keeping with the conventional expression of deep feeling in vogue. She is always simply 'my wyff.' When he writes of another's wife she is 'your bedfellow.'

The third son, Alexander, quite in keeping with old custom, separated himself from the family interests, and took the side of King Charles, 'quhom,' as his father says, 'he idolit as his god.' His extravagance seems to have been a shock to his old-fashioned parents. The story of it is worth telling as an exceptional revelation of deep feeling on the part of the old man. In 1635 Alexander is sent to follow his fortunes at Court, there to push for place, as so many young Scots nobles had been doing since the Union. The *persona grata* who introduced him was entrusted with fifty gold pieces for his service. What, for those days, were large money payments had too often to follow those pieces, generally through friends who were bound for Court, such as the Earl of Mar, Lord Lorn (the great Argyll). Success in suing came at last, and in significant fashion:—'(25 Oct., 1636) Letters to my sone with thanks to sundry gentlemen for concerting with him to agrie with Taverner to putt off the Chancellar from Mungo Murray, in the suit of the place of carver, for quhilk Mr. Alexander is to pay to Taverner £150 sterling.' To sustain the dignity of the young Scot, 'at this tyme one Peter Loch, a footmen, wes sent up to serve my sone, to quhom was gevin fyve dollars,' a sum ridiculously out of keeping with his master's spending, which seems to have been on an alarming scale, to judge by these notes:—'(14 Juni, 1637) A letter from my wyff to Mr. Alexander, forbidding him to send the watche, and chyding him for his spending'; (28 July) 'ressavit letters to pay to Patrik Wod £70 sterling, quhilk he had borrowit from his factor' (agent), 'to the quhilk I wrot a very angrie letter and his mother another'; Sir Thomas is so angry that the letter is 'directit to him in his mother's name,' and shortly after the elder brother, Thomas, is instructed to write, 'because I wald not wrytt myself.'

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It seems that Alexander had secured a pension of £150 sterling as His Majesty's Special Carver.

A gift, from his mother, is in striking contrast to her son's costly watch:—‘ Item, one from his mother with the nott of the attis, peiss, cheiss, salmond, and hering sent to him.’ In 1641 we have a deeply pathetic appeal to the son from the father himself:—‘ As for the last part of your letter concerning yourself it hes gevin so deep a wound to my hart that I must take tyme to gather my spirit. The Lord pittie me, and direct yow in a more prudent way, and keep yow from tempting him by distrust and diffidence in not waiting patientlie for a releiff of your distresses from him, and in crocing the wearie hart of your aged father, and bringing his gray haires to the grave with sorrow. Butt of this at greter lenth quhen I haif digestit in some mesur the excess of my present greif.’ Imprudence of this kind was abhorrent to the nature of the Advocate, who ever laboured to fulfil the apostolic injunction—‘ not slothful in business, serving the Lord.’

It is pleasant to note in the ‘Diary’ evidence of the beginnings of a great social change. Sir Thomas was among the ‘gentlemen of the long robe’ who invested the proceeds of the ‘dreepin’ roasts’ that came to them professionally, in broad lands, thus leading the way to the mansions and pleasaunces that in time transformed the old, forbidding feudal aspect of the country. The lands of Craighall must have been among the earliest of the Advocate’s purchases, for in 1631 we learn he had mortified 100 merks yearly for the support of a school in Ceres. On the east end of the church may still be seen the burial-place of the old Crawford Lindsays, long lords of the soil. There reposes the stern Crawford who compelled Queen Mary to sign her abdication. For a century and more the old house has been in ruins, but the Hopes lived there till about the Union of 1707. It stood about half a mile from Ceres, ‘upon the north bank of a den, planted with trees, a situation beautifully romantic.’ Thus writes the minister in the *Old Statistical Account*, adding that a little rocky hill shelters on the north from which the place got its name. This clears up an obscure note in the ‘Diary.’ Now and again Sir Thomas enters one of his dreams in Latin. Thus in 1641 he dreams of being caught in a thick mist in *hortis petrocellanis*, as if it were ‘in the gardens of parsley.’ But he is not thinking of *petro-selinum*, the Latin from which we have ‘parsley.’ He is really translating Craig Hall as the Cell on

the Rock or little rocky hill of the *Statistical Account*. On a later occasion he enters a solemn vow, when on the point of setting out *ad Petrocellam*, his own pet name for his favourite retreat. In his youth he had published Latin verses, his *Carmen Seculare*, but his active life allowed only of a playful word-coinage or a dream record in the classic tongue. His tastes seem not to have lain in gardening or improving, but he takes an interest in the working of the neighbouring coal-pits.

Two of his frequent journeys from Edinburgh were eventful. When ordered to withdraw to Craighall early in 1640, he left Leith within ten days of receipt of the King's letter, and 'in Bruntiland a' (one) 'nicht, cam next day to Craighall about 12.' Considering the road and the season of the year the progress was good. The Lowther party (1629) had an unpleasant experience on this road, to this effect:—'The river of Ore, narrow but deep and fierce; we rid it the height of the horse's mane and the fierceness of it turned the horse off its feet.'

A few years later his son, Sir John,<sup>2</sup> gets 'seisin' of Craighall as his own, but Sir Thomas continues his visits almost to the end. The summer of 1644 was mainly spent there. The leisure now earned seems to have offered the chance of reading, as this hints:—'Sent my bookis to Craighall, being of purpose to go thither myself?' (Ap. 1644). Within a month he is suddenly summoned by Sir Charles Erskine, just come home from France to find that his mother, the Dowager Countess of Mar, 'had takin a deidle brasche' in the house in the Cowgate. On this summons Sir Thomas made the journey from Craighall through Fife with a speed that was worthy of the railway pace of pre-Forth Bridge days. 'Immediatlie I went furth of Craighall, about 8 in the morning, and came to Bruntiland about xij hours, and was at Leyth ane quarter efter one.' The lady died in Sir Thomas's house in the Cowgate, and was buried at Alloa. The funeral was, of course, a great event. Says Sir Thomas, 'I went to Alloway to the funeralls off the Countess of Mar, being 20 hors in trayne, quhair my charges wer £96; and returnit to Craighall on Setterday.' In those ceremonious days the 'suits of woe' were not soon parted with. 'This day,' says the 'Diary,' 'my sone Craighall went to sermoun, and we changit our mourning weidis for my deir dauchter, Margaret, and no sooner, and so we wore them for a zeir and 13 dayis.'

Sir Thomas Hope is a favourable specimen of a public man in

<sup>2</sup> Sir John was raised to the Bench as Lord Craighall.

his day and generation. In regard to the questions that moved men in religion and politics, he must have formed his own opinions, but in his pages one need not look for any critical estimate of the bearings of policy or of practice. The notable men he meets—King Charles, Buckingham, Prince Rupert, Laud, Montrose, Warristoun, Henderson—these are all names and little more. Nor does self-inquiry go further than an almost pagan study of portents and providences, and a prayer for better control of faults of temper, presumably regarded as a hindrance to advancement. The most favourable aspects he presents are on the side of the domestic affections, notably a frank simplicity of character, and integrity in the discharge of duty. In common with the most intelligent of his countrymen, Drummond excepted, he is untouched by the glories of Elizabethan literature. Of his own education or of that of his sons we are told nothing. He was a student of the newly-founded College of Edinburgh, for he notes the death (1643) of 'Good Mr. Adam Colt, my regent' or College tutor. That he himself went abroad for study to fit him for public life is unlikely, though Lowther's observation (1629) on the advocates is to this effect:—'Most of them have been travellers, and studied in France.' He appreciates this training by sending his sons to study abroad, and even advises Sir Charles Erskine, when on a visit to France, to stay till he 'get a grup of the language.' That he was not entirely immersed in affairs is witnessed by references to his books, by the free use of Latin on occasion, and by the presence now and again of a Greek or a Hebrew phrase; but he never goes out of his way to speak, otherwise than as mere matter-of-fact, of schoolmaster or of clergyman.

The intellectual status of Sir Thomas is to be estimated entirely on indirect evidence, such as has been already presented. There remains the consideration of his reading and of his writings as a specimen of the spoken Scots of his age. The fact that these are quite artless and undesigned makes them specially interesting.

Bible-reading was regularly carried on as a religious exercise, but the numerous vows and soul-questionings are not, as was usual with the serious-minded, accompanied by Biblical quotation. Hebrew he read:—'This day beguid at the 4 of Nombers in the Hebrew lectioun: Lent to my sone Craighall 4 tomes of Hebrew Bibill of Rotus Stephanus characteris.' A few words in Hebrew character are also inserted. Sometimes an entry is made in Latin. Thomas à Kempis was one of his favourites. The only other

allusion to books is this:—‘ Sent a letter to Erl Ancrum, to caus prent Franciscanis Vllisemus (Volusenus), or to send him heir to me to be prentit, because Mr. Robert Balcanquell wes importuning me to haif him restorit, as ane auld monument of Scottis antiquity.’ The Earl was himself of some repute at the English Court as a poetaster. This Volusenus, an honest Scottish Wilson Latinised, was born at the beginning of the 16th century on the banks of the Lossie, and from the school at Elgin proceeded to Aberdeen University, later on to be known as tutor in Wolsey’s household, and thereafter as professor and humanist Scot Abroad. It is hard to guess the point of interest Sir Thomas found in his writings, but he was well known to George Buchanan, and has three of his poems in the *Delitiae Poetarum*, that anthology of Scottish scholarship in Latin verse, in which Sir Thomas himself was represented. One would have preferred to see him show a little interest in what Andro Hart was issuing, say, in 1629, under his very eye, from his shop on the High Street, almost opposite the Cross. He may have rubbed shoulders with Drummond of Hawthornden when he chanced to come into town to see Hart about what he was doing for him that year, or with Montgomery, busy sending forth through Hart his *Cherry and Slae*. But the time had not yet come, least of all to even an intelligent Scot, for that wider outlook and keener observation of men and things, of Nature and art. The open book which he had ever to watch was the crooked path of his own fortunes. Outside of that the one literary influence most powerfully present would be his Bible, and there he found the highest authority for his study of dreams, portents, and mystic communings.

In these writings of Sir Thomas we have, to the life, the language and style of an educated gentleman of the seventeenth century. There is no forced pathos, and still less is there an approach to humour, but occasionally we have, in a proverbial form, specimens of that peculiarly antique combination of worldly wisdom and graphic phrasing. To put a bone in the foot of an adversary is his equivalent to our putting a spoke in his wheel. His professional experience of the part played by property in estranging parties comes out in this:—‘ Meum and tuum, quhilk spillis the sport in all playis.’ In the case of a laird with whom the Earl of Annandale, his client, has the usual ‘ pley’ over ‘ widsettis’ (mortgages), he advises ‘ to latt him byt on the brydell, and I sall terrifie him with putting the minut in

registers and charging him to extend and fulfill the samyn vnder the Payne thairin conteynit, quhilk is £10,000 stirling.' Though he lived in an age at once of plain-speaking and coarseness alongside of lip-piety there is no trace with him of any of these. When face to face with his enemies—and he had them—he is clear, firm, and dignified. With two agents of the King's unpopular policy, Traquair and Hamilton, he has warm moments. His replies compare favourably with Traquair's rough rejoinder: 'The Commissioner, without any occasioun offerit be me, brak out violentlie in thir speiches, eftir I had resonit the point exactlie for his Majestie: "Be God, this man cares not quhat he speaks."

Devotional writing, which formed the bulk of the literature of the century, is so much under the influence of English as to very imperfectly preserve the speech of the day; for the Scot, in virtue of nearness to England and his own pronounced individuality, was always bi-lingual. But the diction and pronunciation of Sir Thomas are genuinely national. This is illustrated by the following phrases, culled at random:—' Maryit on (for to): the debtis auchtand (owing, the Northern pres. part.): quhilk ar thir (which are these): 6 scheit of paper: your tutor his letter: deirer to hir nor (than) hirself: I think or (ere) now you haif them: is better acquaint (old part. in -ed dropped after a dental): I wreit (past tense) my anser to the haill douttis contenit (past part. Northern): the saids landis (plural adj. and plur. in -is): vpon the other morne (morning): but this man be provin (unless this must be proved): betuix and the tent of this moneth (between now and the tenth): we haif mett att divers tymes with the Erll and findis him verie willing' (good example of the Northern verb plural in -s throughout). His diction shows something of the foreign influences that affected Scottish speech. To his academic and professional training we owe these: keip peax (Lat. *pax*, peace), quaeres (queries), he may distresse his mother (distrain), a peice of festinatioun (Lat. *festinare*, apropos of asking a judgeship for his son at twenty-one), I intend to superceid (Lat. *supersedere*, put off) the ending (issue), thocht he be accompit ane young man.' Though his grandfather was a born Frenchman, his diction does not show any exceptional familiarity with the language. The following recall their foreign origin:—' Abillzeamentsis (habiliments), the valour (Fr. *valeur*) of the tithes, it sall haif ane essay (essai), I sall travell to draw them to thair tryall, oblissis and oblischement, it is bruttit that

Capitane Cokburne is deid' (bruit). Very few words occur that require glossing through lapse of time. Examples are:—‘Trubill or fascherie; warit (expended); bruikit (enjoyed); hold zow be your maik (match or equal); thir fyve or sax ouldis (weeks—now only in Aberdeenshire); if my Lord sall scar (feel afraid) at this; letter to Mr. Alexander to chaip (buy) ane jowell and to send me word of the number and bignes of the diamondis.’ Through the close connection of Scotland with Holland come two words of much interest. Sir Thomas refers to a document ‘quhilk I patt in my blak cabinet in the midmost of the two blak schotells’ (Ger. Schüssel, drawer, flat dish) ‘quhilk ar in the middes thairof.’ In the ‘Wedderburn Book’ (Scott. His. Soc.), of the same age, we find:—‘Ane aiken freiz pres with schottles of aik thairin.’ The Boer War made us familiar with the word, schil-pat, the name in South Africa for the land tortoise. The ‘Diary’ shows that Sir Thomas knew it. (1638) ‘Ressavit from my sone my rod with the King’s portrait on the hed of it, of porcupine penne’ (quill) ‘or of the schell paddokis’ (puddock). Sir Thomas’s observation is not clear here. His remark must apply, not to the walking-stick so much as to the nature of the setting of the portrait. Among the ominous accidents he loves to record there is a clear reference to such a ‘rod’:—‘The rod I walk with wes brokin in peices and nothing left of it but the siluer head.’ His speech shows the same confusion between ‘rod’ and ‘road’ as in modern dialect:—‘21 Maij, 1639, This day General Leslie, Erl Rothess, and Lord Lyndsay tuik journey to the bound rod.’ The expression ‘the bound rod,’ here is one of the many obscurities of the ‘Diary.’ I found a solution in the *Muses’ Welcome* to James I. on his visit to Scotland in 1617.<sup>3</sup> One of the pieces there extols the King as uniting, under one crown, the two sides of the ‘bound rod,’ evidently an expression for the boundary between Scotland and the ‘auld enemy.’

In the absence of an established norm for spelling, whether regulated by printing or by teaching in grammar school and

<sup>3</sup>In the great hall of the Place or Abbey of Paisley, Sir James Sempill of Beltrees greeted the King in the Oration recited by his son, ‘a prettie boy of nine,’ thus:—as the result of the Union ‘one beame shall launce alike on both sides of our bound rod and our Phoebus (James I.) no more need to streach out his armes on both sides of it, devyding as it were his Royall body for embracing at once two devided Ladys’—i.e. Clytia (Scotland) and Leucothoe (England). The expression is slightly different in Spalding’s *Troubles*:—‘Felt Marischall Leslie is makeing great preparation to the Boullrode’ (March, 1640).

college, at that time entirely conducted through Latin, it is fair to regard the form the words assume as indicative of pronunciation. Spelling under such conditions can only be phonetic. In this regard the spelling of Sir Thomas much more truly reproduces the tones of his voice than any modern writing could. His spelling is perfectly consistent, and supplies most instructive information in regard to the development of the mother tongue. In his speech the 'quihilk and quho,' 'the ane,' and the 'ze' (ye) still hold their own, but the last only in a very homely letter. The first did not survive his own age. Its initial *qu* was originally a useful mark to emphasize the strong Gothic guttural, *hw*, still surviving in Scotch pronunciation, the elimination of which is a loss to modern English, so that 'which' and 'witch' sound alike. The omission of 'l,' so persistent now, and in effect analogous to the English vocalising of 'r,' did not prevail at this time, witness 'sould, wuld, coll (dock, cut short, now cowe), call (drive, now cawe) as in the judicial torture known as 'calling the boots.' Abbreviated words are frequent:—Secretar, necessar, ordinar, lenth, strenthening, chamerlane (chawmer, chalmer, chamber). Some of them seem due to slovenly pronunciation, as solice (solicit), proportis (purports), escapes (escapades), entres (interest). The German nasal, still common in dialect, is shown in sing-ell (single), angell (angel, a coin). A strong guttural is heard in aneugh (enough), 'the laichest' (lowest) 'pryce.' A hardened sound appears, again, in sik (such), besek (beseech); off for 'of,' behove (behoof); and *s* hard in becaus, hous and houssis, pleass, coussing. The vowel sounds are more uncertain. The following may be grouped under the vowels in their usual order:—spak, brak, latt (let)—*a*; hes, wes, eftir, glaid (gled), haif (have), sait (set, noun), bay (be or by), the last post—shut *e*; breist, freind, freir (friar), signifeit (signified)—open *e*; thift, widsettis, liklie, wreit (writ and wrote), greit (great)—shut *i*; nott (note)—shut *o*; sone (Ger. Sohn, son), one (one)—open *o*; bund (bound)—shut *u*; soume (sum), jowell (jewel)—open *u*; saull (soul), yow (you, still in Border dialect), awin, awne (own)—diphthongs. Proper names must have been written purely phonetically, and are interesting in preserving local colour. Sir Thomas uses these:—Airthour (Arthur), Areskin, Erskine (place-name, Aitrik-stane), Fotherance (Fotheringham), Vauss (de Vaux, now Vans in Wigton), Bruntiland, Ripont (Ripon), Carraill (Crail as in old spelling), Mononday, Setterday, Mertimes, quhill (untill) the 28 Merche.

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These observations, of a more or less philological character, ought to commend themselves as a side-light on historical study. Much learning has been expended on the verse remains of the Scottish vernacular, but little attention has been given to its prose, as preserved to us in diaries and familiar letters. The abundant religious literature, if it can be called so, of the seventeenth century is substantially English in diction, and therefore of little use on its language side. But we may be sure that men like Sir Thomas Hope put down in their diaries exactly the language used by them in daily intercourse with those of their own class. The record, being still unaffected by conventional printing, preserves the very tones of voice and the characteristic diction of the time. It so happens that, whereas the old vernacular verse diction has not lived in colloquial intercourse, such speech as we have in the 'Diary' was till quite recently that of old-fashioned, homely Lowland folk.

JAMES COLVILLE.

## The Early History of the Scots Darien Company

INVESTIGATION BY THE ENGLISH PARLIAMENT\*

THE investigation, made first by the Lords and then by the Commons, is important not only because of its effect on the character of the Company, but also for the stimulus it gave to Parliamentary interest in the great London trading companies.

The origin of the investigation is obscure. Various rumours were current at the time, which were set forth in a small flyer entitled, *Caveto Cayetote*, dated at 'the Admiralty Coffee-House at Charing Cross, the 14th of December, 1695.'<sup>1</sup> Some said the investigation was instigated by parties whose idea was the benefit of English rather than the confusion of Scots trade, and who hoped to profit by arousing national jealousy over an act which they claimed gave Edinburgh the opportunity to surpass London as an *entrepot*. Others said the investigation was started by Jacobites in order to embarrass the government and disown the King. Still others that the main instigator was a Scotsman, a disappointed politician who hoped to curry favour with the English by traitorously attempting to wreck his country's new enterprise. All of these causes may have had a share in the matter. Yet if one may judge by the character which the investigation took, it seems most probable that the merchants of London thought they saw here a chance to gain larger privileges by making Parliament believe that the welfare of the country was seriously imperilled.

Parliament met during the last week of November. On December 2nd, the first day of real business, the House of Lords resolved to consider the Act.<sup>2</sup> Accordingly, on the 3rd, the Act

\* See *Scottish Historical Review*, vol. iii. pp. 210 and 316, for the earlier stages of the History of the Scots Darien Company.

<sup>1</sup> The only known copy is in the Library of Congress.

<sup>2</sup> *Jour. Ho. Lds.*, xv. 602.

was read amid considerable excitement. After a long debate, it was decided to ask the East India Company, and the private traders to show wherein the Act was prejudicial to the trade of England, and to give an account of the inconveniences that might arise from it. The Commissioners of Customs were also instructed to show how the Act would injure English trade.<sup>3</sup> The East India Company showed remarkable haste in complying with the request for information, for on the very day that the order passed the Lords they appointed a committee to prepare a reply.<sup>4</sup> They probably had excellent reasons for supposing that such a requisition was to be made.

On the 4th, nothing daunted by the attitude of the Lords—it is barely possible that they had not heard that their charter was being attacked—the directors of the Scots Company held a meeting, and considered sending ships to the East Indies.<sup>5</sup>

On the 5th the Lords heard the opinions of the Commissioners of Customs, and of the private traders. Memorials were presented by the East India Company and the African Company.<sup>6</sup> The latter laid stress on the great expense of carrying on their trade, and the necessity for larger privileges. By the Scots Act the African trade would be lost to England, for the Scots could trade cheaper, their goods being free from customs duties, and they had the right to make reprisals, both of which advantages were denied to the English.

The memorial of the East India Company declared that owing to the duties and restrictions that had been imposed upon them in England they could not compete with such an unhampered Company as this of the Scots. They also referred to the power to make reprisals, to the advantage accruing to the Scots Company from a joint stock, and to the privilege of being able to exclude interlopers, all of which had been refused them. Attention was called to the great advantage of having its ships and goods free from all manner of legal restrictions, taxes, and customs. This alone would make Scotland the *entrepot* for all East India commodities. They pointed out the danger of goods being smuggled across the border into England, besides the great encouragement offered Englishmen to join the Company and thus be free from the heavy duties and other inconveniences

<sup>3</sup> *Ho. of Lds. MSS.*, ii. 3; *Narcissus Luttrell, Brief Historical Relation*, iii. 557.

<sup>4</sup> MS. Minutes of the East India Co., Court Book No. 37, folio 41B.

<sup>5</sup> *Vid. supra*, p. 323.

<sup>6</sup> *Jour. Ho. Lds.*, xv. 605; *Ho. of Lds. MSS.*, ii. 3 and 13 to 15.

imposed by a too careful government. Their statements were substantiated by the large sums which had already been subscribed in London towards the new Company. Even some of their own members had been tempted to invest because of the great advantages offered. In conclusion they declared that a careful comparison of European acts establishing commercial companies showed the Scots to have privileges equal to, or greater than, those of any other Company.<sup>7</sup>

The private merchants in like manner maintained that the Act would be prejudicial to England unless more liberal terms were granted to the English traders. Apparently the merchants were successful in using the Act as a lever to secure favourable Parliamentary action, for on the next day the Lords ordered that all the trading companies in London lay before the House an account of their losses during the past year.<sup>8</sup>

On December 6th the directors had their last meeting in London, for seven of the directors were summoned to the bar of the House, and the Lords went into an elaborate investigation of the affairs of the Company. The directors were asked why they had incorporated themselves in a company likely to be prejudicial to England. They answered, innocently enough, that they had not thought it would be prejudicial to England, nor supposed it a crime to be incorporated in Scotland. Upon being asked for a list of the subscribers to the Company, they declared that after the subscription book was closed, it had been given to the directors from Scotland, whose names they furnished with those of the new directors. These were now ordered to appear, the Scots to bring with them the subscription book. Later in the day Paterson, being called in and examined, stated that he had been solicited in May to give an opinion for an act, that from this opinion the Act was drawn, but he did not know what measures were used to secure its passage. The Lords suspected the use of English money, but could find no trace of it.<sup>9</sup>

Meantime the canny Scots had sent off the subscription book post haste to Scotland. When called before the Lords and asked for it, they stated that they did not know until Wednesday that it was wanted, and had sent it away on Tuesday. Then Roderick Mackenzie, the secretary, was called in, but he also declared that he knew nothing of the whereabouts of the book. It was all

<sup>7</sup> *Ho. of Lds. MSS.*, ii. 14.

<sup>8</sup> *Jour. Ho. Lds.*, xv. 606.

<sup>9</sup> *Jour. Ho. Lds.*, xv. 608; *Ho. of Lds. MSS.*, ii. 4, 5.

most annoying. One of the delegates from Scotland was again asked when he had had the book last. He answered that he had parted with it on Friday, when he had given it to his man who was now on his way to Scotland.<sup>10</sup>

On the 12th the Lords heard the Commissioners of Customs, who observed that the Act must necessarily have a fatal influence upon the trade, navigation, and revenue of England.<sup>11</sup> If it could not be repealed, legal encouragement ought to be given to the English traders. They advised also that Englishmen be discouraged, under severe penalties, from having anything to do with the Company. They said the English navigation acts ought to protect the merchants from encroachments, but it might be necessary for the governors of the American plantations to be 'awakened on this occasion to put the aforesaid laws into vigorous execution.' Moreover, a certain number of vessels of competent force ought to be appointed to cruise on the coasts of America and elsewhere, with instructions to seize, and bring in as prizes, all such ships as might be found trading in contempt of the aforesaid laws.<sup>12</sup> As recently as October 16th, Edward Randolph had submitted to them an account of the plantation trade, in which he spoke of there being already considerable illicit trade with Scotland.<sup>13</sup> This would, doubtless, increase under the Act, unless special measures were taken to check it.

Following the Commissioners of Customs, came the representatives of the East India Company with another paper urging that the best way to prevent inconveniences to English trade was to establish their company by an Act of Parliament, which should grant such privileges and immunities as were necessary. In opposition to this request for a monopoly, came Mr. Gardner, a private merchant, who suggested that trade be made more open instead of less so. He also urged that the duty on East India goods be refunded on exportation, that no persons residing in England or Ireland be allowed to be concerned in the Scots Company, that all Scots ships putting into any English port be heavily mulcted before being allowed to sail, and that the Scots receive no relief or assistance from any of the English colonies. This last suggestion was destined to be secretly adopted by the Government, and to have dire consequences for the unfortunate

<sup>10</sup> *Ho. of Lds. MSS.*, ii. 6, 15, 17; *Jour. Ho. Lds.*, xv. 610.

<sup>11</sup> *Ho. of Lds. MSS.*, ii. 17.

<sup>12</sup> *Ho. of Lds. MSS.*, ii. 17.

<sup>13</sup> *State Papers Colonial, America and West Indies*, xv. 71.

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colony at Darien. The Royal African Company also presented another paper in which they urged the granting of larger privileges by the English Parliament. They too conceived that the only way to prevent great mischiefs was to establish a company with exclusive rights, *i.e.* a monopoly.<sup>14</sup> The Lords did not at present take the hint about granting the English traders larger privileges. Instead they voted to present an address to the King, representing to him 'the great prejudice, inconveniences, and mischiefs' the Act might bring to the trade of England.<sup>15</sup>

By a curious coincidence—or was it something more—on this very day the Commons resolved that for the more effectual preservation of English trade, a 'council of trade' ought to be established by Act of Parliament.<sup>16</sup> This was known later as the Board of Trade. It is impossible to prove any connection between the investigation into the inconveniences arising from the Scots Act, and the establishment of the famous Board of Trade. But one cannot help feeling that the great interest which the Scots Company aroused in matters relating to trade was a considerable factor in the Board's establishment just at this time.<sup>17</sup>

On the next day, the 13th December, the Address was considered and agreed to, and a message sent to the Commons desiring their concurrence.<sup>18a</sup> In the manuscript minutes of the House of Lords for this date there is this entry: 'Moved that a day may be appointed to receive what may be proposed in order to have union between England and Scotland.'<sup>18</sup> Already clear-headed men saw that the only real remedy for the inconveniences arising from the Act was a union of the two realms, but in the present excited condition of the Lords such a suggestion was not likely to meet with any consideration. The entry was cancelled.

On December 14th the Address was considered in the Commons, and agreed to without discussion. It is rather curious that hitherto they had taken no formal notice of the Scots Company. It might have been supposed that they would have been the first to take cognizance of this danger to English trade.<sup>19</sup>

<sup>14</sup> *Ho. of Lds. MSS.*, ii. 17 to 19.

<sup>15</sup> *Jour. Ho. Lds.*, xv. 610.

<sup>16</sup> *Jour. Ho. Com.*, xi. 359; Narcissus Luttrell, *Brief Historical Relation*, iii. 560, 563.

<sup>17</sup> Leopold von Ranke, *Hist. of England*, v. 104.

<sup>18a</sup> *Ho. of Lds. MSS.*, ii. 6; *Jour. Ho. Lds.*, xv. 611.

<sup>18</sup> *Ho. of Lds. MSS.*, ii. 6.

<sup>19</sup> *Jour. Ho. Com.*, xi. 361 to 363; *Jour. Ho. Lds.*, xv. 613.

However on the 16th the Lords were notified that the Commons agreed to the Address. On the 17th, between three and four o'clock in the afternoon, the Lords and Commons went in a body to present it to the King at Kensington.<sup>20</sup>

Their Address represented that by the Act Scotland would be made a free port for East Indian commodities, and would take England's place in supplying Europe. London trade and English revenue would both be undermined by the smuggling in of cheap goods across the border. Trade in American commodities also would be lost. It was pointed out that the naval power of England had been promised to support the Company and make reprisals. They feared this might lead even to the destruction of English commerce.

The King's reply was dignified and satisfactory: 'I have been ill-served in Scotland, but I hope some remedies may be found to prevent the inconveniences which may arise from this Act.'<sup>21</sup> It was undoubtedly true that the King had known nothing of the Act until some time after it had been touched with the sceptre by his Commissioner and had become law. As only two weeks had elapsed between the time when the Act was first presented to the Scots Parliament and the date when it became law, there was small chance that the King, then on the Continent conducting the war against the French, could have heard of it. He had particularly instructed his Commissioner, when directing him to promote trade, to forward any act that might be passed for this purpose, before giving it the royal assent.<sup>22</sup>

This had not been done in the case of the Company's Act. No wonder the King felt that he had been 'ill-served.' The reply, however, was sufficiently oracular to be taken in more than one way. The Lords believed that traitorous English gold had been used to secure the passage of the Act. So the Scots were willing enough to believe that William thought so too, and referred to bribery when he said 'ill-served.'<sup>23</sup>

Soon after his attention had been called to the Act, the King turned out both of his Secretaries of State for Scotland.<sup>24</sup> They

<sup>20</sup> *Jour. Ho. Lds.*, xv. 615; *Jour. Ho. Com.*, xi. 364, 365; *Narcissus Luttrell, Brief Historical Relation*, iii. 562.

<sup>21</sup> *Jour. Ho. Lds.*, xv. 615.

<sup>22</sup> *Acts Parl. Scot.*, IX. App. p. 126, Note.

<sup>23</sup> *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien*. Glasgow, 1700, pp. 14-15.

<sup>24</sup> *Narcissus Luttrell, Brief Historical Relation*, iii. 567; iv. 1, 5, 12, 17; *Burnett, History of His Own Times*, ii. 162.

were sacrificed to English jealousy. The King's Lord High Commissioner, the Marquis of Tweeddale, who had touched the Act with the sceptre, thus giving it the King's approval and the force of law, was also turned out.<sup>25</sup> The effect of this policy was to stir up the Jacobites to renewed activity. They were given an opportunity to embarrass King William, which they were not slow to make use of. It was to be their aim from now on to secure the success of this Company, which was sure to be a thorn in the side of their unloved monarch.

But to return to the Parliamentary investigation; for the Lords did not stop with the address, but continued their hearings. The West India merchants presented a paper in which they stated that they did not believe the Scots Act would affect them at present. As remedies they suggested freedom of trade, or that if the Scots did make any settlement in the West Indies, the English duties be entirely repaid upon export. The Leeward Island merchants offered as their opinion, in addition to suggestions already proposed, that by encouraging the trade to India greater quantities of goods would be imported, which would so reduce prices as to discourage the Scots from seeking that trade.<sup>26</sup> Apparently they had no idea that the Scots would one day be sending an expedition to their part of the world. In fact their influence was entirely lent to the cause of the London East India merchants, who were doubtless responsible for having their memorial printed with a few slight alterations, under the title: 'Some Remedies to Prevent the Mischiefs from the late Act of Parliament made in Scotland, in relation to the East-India trade.' (London? 1695.)<sup>27</sup>

The Levant Company's memorial contained no new suggestions, but reinforced the others in proposing the prohibition of English subjects joining with the Scots and the encouragement of English trade in those parts of the world to which the Act had particular relation, *i.e.* Africa and the Indies, East and West.<sup>28</sup>

On the 20th of December the House of Lords took up the while matter *in extenso*. After reading all the various memorials, definite proposals were considered looking toward the following objects: the prohibition of Englishmen joining the Scots; the establishment of the East India Company by act of Parliament;

<sup>25</sup> *MS. State Papers Scotland, W. B., xvi. 280, 281.*

<sup>26</sup> *Ho. of Lds. MSS., ii. 20.*

<sup>27</sup> The only known copy is in the British Museum.

<sup>28</sup> *Ho. of Lds. MSS., ii. 21.*

the special taxation of Scots ships entering English ports; and the enforcement of the navigation acts in the American plantations.<sup>29</sup> It was decided to proceed with a first draft of bills for carrying out these propositions, but interest in them flagged and none of them were passed.<sup>30</sup> So far as the Lords were concerned, the nine days' wonder was over, and their attention was now centred on quite another subject, the state of the coin. The hope of the East India Company that the interest aroused by the Scots Act might redound to their peculiar advantage was not destined to be fulfilled; although it was ordered together with other merchants to offer the Lords suggestions for an act for a chartered company. They replied by pointing out that the late act passed in Scotland left nothing to be desired as a model; they could not suggest a better precedent.<sup>31</sup> Both Lords and Commons seemed to favour establishing the East India Company by Act of Parliament as a means of defeating the efforts of the Scots. But towards the end of the session the matter was deferred for a year, because the Government feared that the increased opportunity for investment which would arise from the establishment of such a large stock company as was proposed would interfere with the Treasury's plans for raising money to carry on the war with France.<sup>32</sup>

The investigation, however, was not without certain definite results. One was to instigate the Commissioners of Customs to send the governors of all the plantations in America a circular letter regarding the enforcement of the navigation acts with especial reference to the Scots Company. This letter, after calling attention to the passing of the Act, its tendency to discourage the trade and navigation of England, its consideration by the Lords, and the address to the King, declared that if the Scots settled in America English commerce there would be utterly lost. With the letter were sent copies of the Act, the Address and the Answer to it as the best means of inciting them to execute vigorously the laws of England for the security of the plantation trade. Further, the Governors were requested to see that the customs officers performed their duties and gave strict account of every ship trading within their districts, guarding particularly against allowing any to pass to or from Scotland. Finally they

<sup>29</sup> *Ho. of Lds. MSS.*, ii. 6.

<sup>30</sup> *Jour. Ho. Lds.*, xv. 618 to 619.

<sup>31</sup> *Jour. Ho. Lds.*, xv. 639; *Ho. of Lds. MSS.*, ii. 30.

<sup>32</sup> Bruce, *Annals of the East India Company*, iii. 201, 202.

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were reminded of the penalties which followed breaking the navigation acts.<sup>33</sup>

Another result was that the Commissioners of Customs were ordered by the Lords to render an account of the exports and imports for the past three years, a larger undertaking than the Commissioners cared to assume, for they estimated that such a report could not be performed in less than a year and a half, even with a dozen extra clerks working constantly on it.

An indirect result of the investigation was a general overhauling of the Admiralty, who were asked to show why so many difficulties had been put in the way of English commerce.<sup>34</sup> In fact, the excitement and interest aroused in high quarters by the Act was used by the English merchants in every possible way for their advantage.

The attention of the Commons had been called to the subject when the Address was sent for their concurrence on the 17th of December. They had then appointed a committee to examine into the methods taken for obtaining the Act, and to discover particularly whether corruption had been practised in promoting it.<sup>35</sup> Their interest waned and the matter dropped for a time, although the committee carried on its investigations. The chief interest of the Commons was in the state of the coin and the clipped money. Minor annoyances also engrossed their attention.<sup>36</sup> They even took the trouble to order that the constables of Westminster see to it that the passages in or about Westminster Hall be kept free of chairmen and coachmen, who were accustomed to stop and annoy members of the House, and that the postmaster attending the House should not deliver letters to members while the House was sitting. In the meantime the East India Company, fearing that the Commons might forget that the Scots Company still existed, petitioned on the 20th of January, 1696, stating that several ships were being fitted out in the Thames for the East Indies by persons whom they believed to be subscribers to the Scots Company.<sup>37</sup> At all events application had been made to the directors of the Company, who were then in London, for permission to trade in the East Indies under

<sup>33</sup> Jan. 9, 1696; *Ho. of Lds. MSS.*, ii. 23 and 481-3.

<sup>34</sup> *Jour. Ho. Lds.*, xv. 613.

<sup>35</sup> *Jour. Ho. Com.*, x. 365.

<sup>36</sup> *Ibid.*, xi. 367.

<sup>37</sup> *Jour. Ho. Com.*, xi. 398; Richard Edge to Roger Kenyon, *Hist. MSS. Com.*, XIV. iv. 396.

the privileges of the Act.<sup>38</sup> Accordingly the Commons ordered the aforementioned committee to make its report, which it did on the following day, presenting with it copies of the oath *de fideli* and the journal of the proceedings of the London directors.<sup>39</sup>

During their sittings the committee had examined Roderick Mackenzie, who, as might be expected, gave them little satisfactory information. He had heard, to be sure, that the fees for passing the Act amounted to £150, but he knew nothing positive about it as he was only the secretary, and had little to do with the finances of the Company. The report also includes an examination of Paterson, who gave much the same testimony as at the bar of the House of Lords. Other directors had been examined, who made the best excuses they could. None, of course, knew anything about the passage of the Act, nor how it had been secured. One confessed that he was a member of the English East India Company, and accordingly had been opposed to sending out an interloper. Another admitted that his subscription had been obtained by a practice familiar to promoters. He had been told, in short, that if he did not subscribe at once there were others who would get the advantage which he was offered first.<sup>40</sup> Upon hearing the committee's report, the oath, and the transactions of the Company, the Commons became quite excited and resolved that the directors had committed a high crime and misdemeanour in taking the oath *de fideli* and in raising money in England. It was resolved to impeach them, and a committee was appointed to prepare articles of impeachment.

This committee, however, had difficulty in getting evidence. Roderick Mackenzie refused to testify, and, on the request of the committee, was ordered by the House to be taken into the custody of the Sergeant-at-Arms. But he successfully eluded the search officers. Accordingly, on the 8th of February, the House moved to ask the King for a proclamation for apprehending the unfortunate secretary.<sup>41</sup> This was issued on the 13th, but he could not be found.<sup>42</sup> He was in hiding in London hoping to be called to Edinburgh. His absence put the committee at

<sup>38</sup> MS. East India Co. Court Book No. 37, Folio 46a, and MS. East India Co. Letters Out, p. 78.

<sup>39</sup> *Jour. Ho. Com.*, xi. 400. <sup>40</sup> *Ibid.*, xi. 400-407. <sup>41</sup> *Jour. Ho. Com.*, xi. 436.

<sup>42</sup> The only known copy of this proclamation was sold at auction in London last year for one guinea.

a great disadvantage, for he was almost the only person who might be made to give the evidence they desired.

By this time, however, it was felt that the Scots Company had been effectually demolished and that further Parliamentary action would only add unnecessarily to the growing irritation in Scotland over the insults that had been offered her Parliament and her citizens. It will be remembered that the House of Lords had believed and tried to prove that the passage of the Act had been obtained by bribery, and, furthermore, had summoned to its bar the delegates from Edinburgh, who included the popular Lord Belhaven. This action and the King's dismissal of his secretaries, who were well liked in Scotland, greatly irritated the country.<sup>43</sup> The attention of England was diverted to another subject: the discovery of the plot against the King's life.<sup>44</sup> Altogether it was deemed best to let the matter drop. So the committee never reported, and no articles of impeachment were ever presented.

Further action was in fact unnecessary.<sup>45</sup> Parliament had succeeded in frightening the Company out of England; the English subscribers were only too glad to withdraw their subscriptions; it was doubted whether the Scots could do much by themselves, although nothing could be done to prevent their trying.

The history of the Company would have been far different had Parliament allowed it to have the benefit of English capital and experience. It was the intention of Paterson and the promoters to create an essentially British concern. Both the stock and the directorate were to be equally divided between England and Scotland. But the action of the English Parliament resulted in making the enterprise thoroughly Scottish. The Scots, insulted and thrown on their own resources, were incited to hurl themselves headlong into an undertaking far greater than was warranted by the extent of their capital or the experience of their merchants. Although it is doubtful whether the Scots would have been willing to allow the headquarters of the Company to remain long in London, the English subscribers would undoubtedly have made strenuous and probably successful efforts to prevent the Company from embarking on such a foolish enterprise as the Darien

<sup>43</sup> *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien*, p. 3; Narcissus Luttrell, *Brief Historical Relation*, iii. 535.

<sup>44</sup> Narcissus Luttrell, *Brief Historical Relation*, iv. 21.

<sup>45</sup> Richard Edge to Roger Kenyon, *Hist. MSS. Com.*, XIV. iv. 366.

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Scheme. The Company would have carried on trade with Africa and the Indies, and had a comparatively uneventful career. But the English Parliament had now endowed it with the enthusiastic backing of the whole Scottish nation.<sup>46</sup> Its support became a matter of national honour, and its history was destined to be tragic rather than commonplace.<sup>47</sup>

HIRAM BINGHAM.

<sup>46</sup> 'Twas the notice the parliament of Ingland first took of it made the wholl nation throng in to have some share, and I'm of opinion the resentments people are acted by, are the greatest supplys that furnishes life to that affaire.'—Adam Cockburn, Lord Justice Clerk, to Lord Tullibardine, 18 Dec., 1697, *Hist. MSS. Commission*, XII. vii. 58.

<sup>47</sup> J. Hill Burton, *History of Scotland*, 1897, viii. 19-28.

## The Pentland Rising and the Battle of Rullion Green

THE following letter—extracted from the collection of the *Carte MSS.* in the Bodleian library—must of course be read in connection with Mr. Sandford Terry's detailed study of the Pentland Rising and the battle of Rullion Green, and is published as a supplement, not a criticism, of that work. The first result of a close comparison of the two is an acknowledgment of the historical insight that has produced out of complex (and sometimes conflicting) evidence a narrative which a document so important as the official despatch of the King's Major-General does, substantially, nothing but confirm.

The main facts of General Drummond's career are already known: that he was a cadet of the Madertie branch of the family—that he supported the Royalist cause both in England, where he was imprisoned after Worcester, and in Scotland, where he was an emissary from Charles II. to the uneasy forces under Glencairn. Mews, the Royalist agent and reporter, says that without him the adventure would have come to an even speedier end than it found at Lochgarry in 1654—he being 'not only a good soldier, but a sober rationall man,' in which case, as Mews said, he would have been an 'extraordinary losse' to that company. He had some personal intercourse with Cromwell, and Charles, at all events in exile, was his 'affectionate friend.' After the failure of the rising he found employment with Dalziel in the foreign levies of the Czar Michaelovitch, and returned with that officer to Scotland in 1665, bringing with him several of the distinctions—and, Bishop Burnet thought, too many of the methods—of Russian military service. He was appointed Major-General of the new Scotch forces, and one of his earliest duties was to take the field with Dalziel's van for the reduction of the rebellious Covenanters in the south-west.

Mr. Terry's survey of the march is based on abundant evidence—from Wallace, who commanded the insurgents, from

Veitch, who served in their ranks, from James Turner, who was throughout a prisoner in their hands. Drummond himself was aware that the enemy had the better of him in the matter of scouting intelligence—and his own was notably accurate. His report only confirms Turner's praise of the marching quality of Wallace's foot, since it appears that he was all through even further behind than was believed. He was at Strathaven not, as Wallace asserts, on the night of the 24th of November, but of the 25th, to which date a despatch from the Scotch Privy Council to the Commissioner Rothes (*Lauderdale Papers*, i. 246) bears independent witness. His foot crossed Lanark ford on the night, not the morning, of the 26th, and on the following morning, when Blackwood reported him to Wallace as 'not nearer than Calder, if there,' he was in fact marching out of his Lanark quarters. 'Calder Torphicens hous,' where Charles Maitland told his brother Lauderdale they rested the night of the 27th, becomes in Drummond's letter 'tarfichens hather,' and Bathgate has a somewhat similar (but obscure) suffix.

As to the battle Mr. Terry appears to have steered a middle course among the various accounts of witnesses with differing sympathies, capabilities, and points of vision, and between his version and Drummond's,—which yielded perhaps to official restraints—there is no serious discrepancy. The general outline seems to be that after the repulse of Drummond's fore party there were three separate attacks by Dalziel's right wing—the two first unfavourable to him—the third so successful that he seized the occasion to engage his left—and by a simultaneous advance of his whole line beat in the enemy's horse upon their foot and routed them, the darkness alone staying his pursuit. The accounts of the two leaders, Wallace and Drummond, agree well together, down to details such as the hand-to-hand fight with swords in the first main attack, and the incautious advance of Wallace's right wing of horse after the third. Maitland of Halton, though apt to be impulsive in his figures, agrees in outlines. 'Where he differs we may take it that the general was right. Halton was an officer and a gentleman, and wrote (and spelt) as such. Drummond was an old campaigner and a man of letters—(his funeral sermon compares him favourably with Agricola, Cato, Epaminondas, and Julius Caesar Scaliger)—and his despatch is both business-like and picturesque. In one point he corrects the accepted version. Dalziel's loss was evidently less trivial than was supposed—a fact which might have consoled the

Covenanters in the hardships of their flight. It is noticeable that the very phrase about 'cashiered preachers' to which Wodrow takes exception in the accounts of various English historians occurs at the end of this letter, which may have been the official source of the error—pleasantly termed a 'plain falsehood' by Wodrow.

M. SIDGWICK.

Carte MSS. lxxii. f. iii.

*Letter from Major-General William Drummond to Lord Rothes.*

Pentland Novemb<sup>r</sup> 29<sup>th</sup> 1666

May it please yo<sup>r</sup> Gr<sup>ee</sup>

I beg you be not offended for my soe long silence, for I had noe resolucon to write that w<sup>ch</sup> would only have vexed you, nor could I untill this time free you from the anxiety that I am sure troubled yo<sup>r</sup> heart, & that yo<sup>r</sup> Gr<sup>ee</sup> might know pfectly all Our proceedings, I shall begin at Our March & give you a short acc<sup>e</sup> of all passages untill this day; Upon Sunday the 18<sup>th</sup> Inst. Our march began from all Our severall Quarters & upon tuesday the 20<sup>th</sup> wee met att Glasco, wee spent Wednesday in preparacons for what wee wanted, whereof Bandeliers was a cheif defect; and in consultacons with My Lord Glasco & y<sup>e</sup> other Noblemen who Commanded, thursday the 22<sup>th</sup> the horse watched killmarnock & the foot upon friday at Much adoe, there wee understood that the rebels were convened at Machlin with all their force & a resolucon to fight us, they had been in Air & taken about 200 Armes of all sorts out of the tolbooth, w<sup>ch</sup> had been formerly gathered out of y<sup>e</sup> Countrey when it was disarmed, all the Gentlemens houses they searched for horses & armes And (I beleive) found diverse ready to their hands, w<sup>ch</sup> must bee judged as taken by force. Saturday the 24<sup>th</sup> wee came to Machlin, the rebels were gone to Comnock & from thence to the Moor kirk of kyll & to Douglas, wee judged & not amisse that they designed for Oltsdale (Clydesdale ?) Hanlyton & Glasco & there upon Sunday took a neerer way to stop that course & marched through Evendal to Streven (Strathaven), where wee had notice that they were at Lathmahago (Lesmahagow) but 4 miles from us, that Sunday they knowing of us as they used to have quick Intelligence of Our motions in a Countrey of their owne freinds disaffected to us, they passed the river Glyde to Lenricke (Lanark), their foot in 2 boates w<sup>ch</sup> Immediatly they sunk, & forded with their horses not w<sup>th</sup>out danger, the river being great. Upon Monday the 26<sup>th</sup> Our fore partie had a view of y<sup>m</sup> on the rivers syde over ag<sup>st</sup> us, as if they meant to forbid Our passage, but when Our body of horse began to appeare, they marched of & kept a lusty rearguard with more order then could have been hoped from them, wee past the ford instantly deep & strong, w<sup>ch</sup> made us very doubtfull whither it was wadable by the foot & followed them 4 miles on their reare, but in regard of the distance from Our foot & approach of y<sup>e</sup> night, could not with any reason engage with them, wee gott over the foot that night with much danger but not one lost, tuesday wee followed the rebels track for 8 miles through a black mosse & marking their way to make for huhghgour (?), wee were affrayed of Edinburgh & bent Our course to tarfichens hather (?), the rebels had marched on Monday from Lenrick to Bathkt Huhthgour (Bathgate — ?) & were at Collintone

2 Myles from Edinburgh, on Tuesday the 27<sup>th</sup> by midday to Our admiration whatever their designe or invitacion was for soe desperate a March they found their plot p'vented, wee judged rightly they would gett of to Bigger, & betook us to fall in their way, going over the Pentland Hills at Currie, Our fore party of about 100 horse discovered them on their march towards Linton the bigger way near a place called Glencors kirk & with great boldnes sett upon them, & endured the danger to face all their strength, horse & foot, until Our Cavalry farre behind came up & that spent near 2 houres, Soe had God blinded these fooles to neglect their advantage, Our party being in a ground whence they could not come of, Some sharpe charges past in this time, w<sup>ch</sup> the rebels gave & received with desperate resolucon to Our prejudice, at last Our horse comes on & gave breathing to that weary party, but Our foot was yet 4 miles from us, wee found it convenient to draw from that ground very advantageous for their foot, w<sup>ch</sup> they after much consideracon began to imploy ag<sup>st</sup> us, but wee prevented them & gott of a little to a better ground where they made a fashion to annoy us without any gaine, soe soon as Our foot came up wee put Ourselves in order & embattled in a faire plaine upon their Noses, they upon the hill above did the like but gave us noe disturbance th<sup>o</sup> well they might, by this time the sun was sett, wee must make haste and advanced a partie of horse & foot from Our right hand to assault their left wing of horse w<sup>ch</sup> instantly came downe & met them, & there the work began, wee fought obstinately a long time w<sup>th</sup> swords untill they mixed like chessmen in a bag, wee advanced Our right wing & they their left to give relieve, there againe it was disputed toughly, then came a strong partie of foot from their body & forced our right wing back to the foot in some disorder, but this was instantly rectified, their right wing of horse came from their ground foolishly & crosses their foot, apprehending their left wing to bee in distresse, wherein they were mistaken & soe gave our left wing their Slack, w<sup>ch</sup> opportunity wee had hold on & there went their Cavalrie in disorder, Our whole body then advanced & beat in their horse upon their foot, then confusion & flight followed, wee pursued in the dark, killed all the foot & but for the night & steep hills had wholy destroyed them, Some prisoners there are fitt for examples, I know not how many but I conjecture not above 140, for there was sound payment, Our losse I cannot tell, but it is greater then many of their Skins were worth, their number was about 15 or 1600, & would without doubt have encreased, if God had not confounded their Imaginacons & rebellious dispositions, upon Monday the rebels swore the Covenant at Lenrick & all to die in defence of it, most of these who led their troupes were cashiered preachers, now I trust yo<sup>r</sup> Gr<sup>ee</sup>s is at ease. I am

Yo<sup>r</sup> Gr<sup>ee</sup>s  
Most obedient & most humble Serv<sup>t</sup>  
W. DRUMOND.

*Endorsed.* Leter from Major Gen<sup>rl</sup> Drumond to the E. of Rothess of the defeat of the Rebells in Scotland. 29 Nov. 66. Rec. 4<sup>th</sup> Dec. 1666 in a letter from the L<sup>d</sup> Arlington.

## The 'Scalacronica' of Sir Thomas Gray

*The Reign of Edward II., as recorded in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart.*

AFTER the death of Edward the First after the Conquest, his son, Edward the Second, reigned in great tribulation and adversity. He was not industrious, neither was he beloved by the great men of his realm; albeit he was liberal in giving, and amiable far beyond measure towards those whom he loved and exceedingly sociable with his intimates. Also, in person he was one of the most powerful men in his realm. He took to wife Isabel, daughter of Philip le Beau, King of France, whom he married at Amiens and brought to England, where they were crowned in London with great solemnity. Then the king and his said wife Isabel passed again into France, to Paris, to treat of his affairs in Gascony, when the said King Edward entertained the said King of France at Saint-Germain-en-Prés, which feast was greatly spoken of at the time. MS.  
fo. 206

At which time it was reported to the said King Philip of France that the wives of his sons had misbehaved. He had three sons—Philip, Louis, and Charles—by his wife the daughter of the King of Navarre (by whose inheritance he was King of Navarre), the mother of which wife was married to Edmund, brother of Edward the First of England, after the Conquest, by whom he begot Thomas and Henry, afterwards Earls of Lancaster. He [King Philip] also had one daughter, this same Isabel, Queen of England. He was informed, then, that the said ladies [his daughters-in-law] had committed adultery *par amours* with knights of his Court, which thing weighed heavily upon his heart. Wherefore, after the departure of the said King of England, the said King of France enquired of Philip Dawnay, an old knight of his Council, what should be done to those who

had intrigued with the wives of the king's sons and princes of the blood royal of France.

'Sire,' replied the worthy gentleman,<sup>1</sup> 'they deserve to be flayed alive.'

'Thou hast pronounced judgment,' said the king to him; 'they are your own two sons, who shall suffer the punishment according to your judgment.'<sup>2</sup>

One of them was condemned immediately; the other escaped to England, but was taken at York and sent back to the said King of France, for which the King of England received much blame from murmurs of the Commons, seeing that the said knight had come for succour to his realm. The said knight was flayed alive; two of the ladies were put to a shameful death; the third was enclosed in a high wall without meat or drink, where she died.

It was generally reported among the common people that this scandal was communicated to the King of France by his daughter Isabel, Queen of England, although this was supposed by many people to be an untruth. It was judged and declared by the Commons that, because of this cruelty, neither the father [King Philip] nor the sons should live long. The father died shortly after.<sup>3</sup> His three sons aforesaid became Kings of France, one after the other, for a short time. The eldest of them,<sup>4</sup> who was King of Navarre during his father's life, had no offspring<sup>5</sup> but one daughter,<sup>6</sup> who afterwards married the Count of Evreux, and became King of Navarre in right of his said wife. The second brother<sup>7</sup> had by his wife, daughter of the Count of Artois, three daughters, who afterwards shared the succession to Artois. The Duke of Burgundy married one, the Count of Flanders another, and the Lord of Faucony took the third as his mistress. Charles, the third brother,<sup>8</sup> and last to become King, died without offspring, whereupon the succession to France should by right have devolved upon Edward [III.] of England,

<sup>1</sup> *Le prudhom.*

<sup>2</sup> *Com iuge auez.* Omitted in *Maitland Club Ed.*

<sup>3</sup> 29th Nov., 1314.

<sup>4</sup> Louis X., *le Hutin*, d. 5th June, 1316.

<sup>5</sup> He had a posthumous son who died an infant.

<sup>6</sup> Succeeded as Joanna II., Queen of Navarre, on the death of her brother-in-law, Charles IV.

<sup>7</sup> Philip V. d. 3rd Jan., 1322.

<sup>8</sup> Charles IV., *le Beau*, d. 13th Jan., 1328, last of the Capets. At his death the crowns of France and Navarre were again separated.

son of Isabel, sister of the said three brothers and kings, as the nearest heir male,<sup>1</sup> for at [the time of] the decease of the said Charles, their uncle, the last king of the three brothers, the daughters of the two aforesaid brothers and kings had no male issue, wherefore the said Edward, son of Isabel of England, was the nearest heir male. Nevertheless, as will be recorded hereafter, for want of good advice, and because he was young and entangled with other matters, he lodged no challenge whatever upon the death of his uncle Charles, so that another collateral,<sup>2</sup> the son of the uncle of the aforesaid Charles,<sup>3</sup> was crowned King by means of his supporters, especially of Robert of Artois (to whom he was afterwards the greatest enemy), because no other challenged the right at the proper time, nor until a considerable time after, as will be recorded hereafter; which [thing] is correct, and ought to be a notable thing and remembered everywhere.

At this time Thomas de Gray<sup>4</sup> was warden of the castle of Cupar and Fife,<sup>5</sup> and as he was travelling out of England from the King's coronation to the said castle, Walter de Bickerton, a knight of Scotland, who was an adherent of Robert de Brus, having espied the return of the said Thomas, placed himself in ambush with more than four hundred men by the way the said Thomas intended to pass, whereof the said Thomas was warned when scarcely half a league from the ambush. He had not more than six-and-twenty men-at-arms with him, and perceived that he could not avoid an encounter. So, with the approval of his people, he took the road straight towards the ambush, having given his grooms a standard and ordered them to follow behind at not too short interval.

The enemy mounted their horses and formed for action, thinking that they [the English] could not escape from them. The <sup>ms.</sup> said Thomas, with his people, who were very well mounted, <sup>fo. 207</sup> struck spurs to his horse, and charged the enemy right in the centre of their column, bearing many to the ground in his course by the shock of his horse and lance. Then, turning rein, came

<sup>1</sup> *Al plus prochain heire male.* He means the nearest male in blood, for Edward III., as Isabel's son, was not technically heir male.

<sup>2</sup> The insertion here of a full stop instead of a comma in the *Maitland Club Ed.* makes nonsense of this long sentence.

<sup>3</sup> Philip V. de Valois, eldest son of Charles, Count of Valois, brother of Philip IV.

<sup>4</sup> Father of the chronicler.

<sup>5</sup> *Gardein du chastel de Coupur et de Fif.*

back in the same manner and charged again, and once again returned through the thick of the troop, which so encouraged his people that they all followed him in like manner, whereby they overthrew so many of the enemy, their horses stampeding along the road. When they [the enemy] rose from the ground, they perceived the grooms of the said Thomas coming up in good order, and began to fly to a dry peat moss which was near, wherefore almost all [the others] began to fly to the moss, leaving their horses for their few assailants. The said Thomas and his men could not get near them on horseback, wherefore he caused their horses to be driven before them along the road to the said castle, where at night they had a booty of nine score saddled horses.

Another time, on a market day, the town being full of people from the neighbourhood, Alexander Frisel, who was an adherent<sup>1</sup> of Robert de Brus, was ambushed with a hundred men-at-arms about half a league from the said castle, having sent others of his people to rifle a hamlet on the other side of the castle. The said Thomas, hearing the uproar, mounted a fine charger before his people could get ready, and went to see what was ado. The enemy spurred out from their ambush before the gates of the said castle, so doing because they well knew that he (Sir Thomas) had gone forth. The said Thomas, perceiving this, returned at a foot's pace through the town of Cupar, at the end whereof stood the castle, where he had to enter on horseback, [and] where they had occupied the whole street. When he came near them he struck spurs into his horse; of those who advanced against him, he struck down some with his spear, others with the shock of his horse, and, passing through them all, dismounted at the gate, drove his horse in, and slipped inside the barrier, where he found his people assembled.

This King Edward the Second after the Conquest bestowed great affection during his father's life upon Piers de Gaveston, a young man of good Gascon family; whereat his father became so much concerned<sup>2</sup> lest he [Piers] should lead his son astray, that he caused him [Piers] to be exiled from the realm, and even made his son and his nephew,<sup>3</sup> Thomas of Lancaster, and other magnates swear that the exile of the said Piers should be for ever irrevocable. But soon after

<sup>1</sup> *Qenherdaunt estoit*, misprinted *genderdaunt* in *Maitland Club Ed.*

<sup>2</sup> *Prist malencoly.*

<sup>3</sup> He was not the King's nephew, but a distant cousin, son of Edmund 'Crouchback,' Earl of Lancaster.

the death of the father, the son caused the said Piers to be recalled suddenly, and made him take to wife his sister's daughter, one of Gloucester's daughters, and made him Earl of Cornwall. Piers became very magnificent, liberal, and well-bred in manner, but somewhat<sup>1</sup> haughty and supercilious, whereat some of the great men of the realm took deep offence. They planned his destruction while he was serving the King in the Scottish war. He had caused the town of Dundee to be fortified, and had behaved himself more rudely there than was agreeable to the gentlemen of the country, so that he had to return to the King because of the opposition of the barons.<sup>2</sup> On his way back they surprised and took him at Scarborough, but he was delivered to Aymer de Valence upon condition that he was to be taken before the King, from whose [Aymer's] people he was retaken near Oxford, and brought before the Earl of Lancaster, who had him beheaded close to Warwick,<sup>3</sup> whereat arose the King's mortal hate, which <sup>MS.</sup> <sup>fo. 207<sup>b</sup></sup> endured for ever between them.

Adam Banaster, a knight bachelor of the county of Lancaster, led a revolt against the said earl by instigation of the King; but he could not sustain it, and was taken and beheaded by order of the said earl, who had made long marches in following his [Banaster's] people.

During the dispute between the King and the said earl, Robert de Bruce, who had already risen during the life of the King's father, renewed his strength in Scotland, claiming authority over the realm of Scotland, and subdued many of the lands in Scotland which were before subdued by and in submission to the King of England; and [this was] chiefly the result of bad government by the King's officials, who administered them [the lands] too harshly in their private interests.

The castles of Roxburgh<sup>4</sup> and Edinburgh<sup>5</sup> were captured and dismantled, which castles were in the custody of foreigners, Roxburgh [being] in charge of Guillemyng Fenygges,<sup>6</sup> a knight of Burgundy, from whom James de Douglas captured the said castle upon the night of Shrove Tuesday,<sup>7</sup> the said

<sup>1</sup> *En party.*

<sup>2</sup> *Pur debate des barouns*, or 'because of the displeasure of the barons.'

<sup>3</sup> A.D. 1312.

<sup>4</sup> 6th March, 1314.

<sup>5</sup> Lent, 1314.

<sup>6</sup> Sir William de Fiennes.

<sup>7</sup> *La nuyt de quarrem pernaunt.*

William being slain by an arrow as he was defending the great tower. Peres Lebaud, a Gascon knight, was Sheriff of Edinburgh, from whom the people of Thomas Randolph, Earl of Moray, who had besieged the said castle, took it at the highest part of the rock, where he suspected no danger. The said Peter became Scots in the service of Robert de Brus, who afterwards accused him of treason, and caused him to be hanged and drawn. It was said that he suspected him [Peres] because he was too outspoken, believing him nevertheless to be English at heart, doing his best not to give him [Bruce] offence.

The said King Edward planned an expedition to these parts, where, in [attempting] the relief of the castle of Stirling, he was defeated, and a great number of his people were slain, [including] the Earl of Gloucester and other right noble persons; and the Earl of Hereford was taken at Bothwell, whither he had beaten retreat, where he was betrayed by the governor. He was released [in exchange] for the wife of Robert de Brus and the Bishop of St. Andrews.<sup>1</sup>

MS.  
fo. 208

As to the manner in which this discomfiture befel, the chronicles explain that after the Earl of Atholl had captured the town of St. John<sup>2</sup> for the use of Robert de Brus from William Oliphant, captain [thereof] for the King of England, being at that time an adherent of his [Edward's], although shortly after he deserted him, the said Robert marched in force before the castle of Stirling, where Philip de Moubray, knight, having command of the said castle for the King of England, made terms with the said Robert de Brus to surrender the said castle, which he had besieged, unless he [de Moubray] should be relieved: that is, unless the English army came within three leagues of the said castle within eight days of Saint John's day in the summer next to come, he would surrender the said castle.<sup>3</sup> The said King of England came thither for that reason, where the said constable Philip met him at three leagues from the castle, on Sunday the vigil of Saint John, and told him that there was no occasion for him

<sup>1</sup> William de Lamberton, from whom Bruce received more advice and encouragement than from almost any other at the outset of his enterprise.

<sup>2</sup> Perth.

<sup>3</sup> It was not with King Robert, but with his brother Edward, that this agreement was made; much to Robert's displeasure, whose main strategy it was to avoid a pitched battle.

to approach any nearer, for he considered himself as relieved. Then he told him how the enemy had blocked the narrow roads in the forest.<sup>1</sup>

[But] the young troops would by no means stop, but held their way. The advanced guard, whereof the Earl of Gloucester had command, entered the road<sup>2</sup> within the Park, where they were immediately received roughly by the Scots who had occupied the passage. Here Peris de Mountforth, knight, was slain with an axe by the hand of Robert de Brus, as was reported.<sup>3</sup>

While the said advanced guard were following this road, Robert Lord de Clifford and Henry de Beaumont, with three hundred men-at-arms, made a circuit upon the other side<sup>4</sup> of the wood towards the castle, keeping the open ground. Thomas Randolph, Earl of Moray, Robert de Brus's nephew, who was leader of the Scottish advanced guard,<sup>5</sup> hearing that his uncle had repulsed the advanced guard of the English on the other side of the wood, thought that he must have his share, and issuing from the wood with his division marched across the open ground towards the two afore-named lords.

Sir Henry de Beaumont called to his men: 'Let us retire a little; let them come on; give them room!'<sup>6</sup>

'Sir,' said Sir Thomas Gray,<sup>7</sup> 'I doubt that whatever you give them now, they will have all too soon.'

'Very well!' exclaimed the said Henry, 'if you are afraid, be off!'

'Sir,' answered the said Thomas, 'it is not from fear that I shall fly this day.' So saying he spurred in between him [Beaumont] and Sir William Deyncourt, and charged into the thick of the enemy. William was killed, Thomas was taken

<sup>1</sup> The Torwood.

<sup>2</sup> The Roman Road, running through the Park which Alexander III. had enclosed for the chase.

<sup>3</sup> It was Sir Henry de Bohun, nephew of the Earl of Hereford, who fell in single combat with the King of Scots.

<sup>4</sup> The east side next the Carse.

<sup>5</sup> He commanded the central of the three divisions which formed Bruce's front.

<sup>6</sup> Randolph's division being entirely on foot, of course the English squadron could have pushed on to establish communication with Stirling Castle, for which purpose they had been detached. It was characteristic of the chivalrous ceremony of the day that Beaumont should have insisted on awaiting attack from the Scots.

<sup>7</sup> Father of the chronicler.

prisoner, his horse being killed on the pikes, and he himself carried off with them [the Scots] on foot when they marched off, having utterly routed the squadron of the said two lords. Some of whom [the English] fled to the castle, others to the king's army, which having already left the road through the wood had debouched upon a plain near the water of Forth beyond Bannockburn, an evil, deep, wet marsh, where the said English army unharnessed and remained all night, having sadly lost confidence and being too much disaffected by the events of the day.

The Scots in the wood thought they had done well enough for the day, and were on the point of decamping in order to march during the night into the Lennox, a stronger country, when Sir Alexander de Seton, who was in the service of <sup>MS.</sup> England and had come thither with the King, secretly left the <sup>fo. 208<sup>b</sup></sup> English army, went to Robert de Brus in the wood, and said to him: 'Sir, this is the time if ever you intend to undertake to reconquer Scotland. The English have lost heart and are discouraged, and expect nothing but a sudden, open attack.'<sup>1</sup>

Then he described their condition, and pledged his head, on pain of being hanged and drawn, that if he [Bruce] would attack them on the morrow he would defeat them easily without [much] loss. At whose [Seton's] instigation they [the Scots] resolved to fight, and at sunrise on the morrow marched out of the wood in three divisions of infantry. They directed their course boldly upon the English army, which had been under arms all night, with their horses bitted. They [the English] mounted in great alarm, for they were not accustomed to dismount to fight on foot; whereas the Scots had taken a lesson from the Flemings, who before that had at Courtrai defeated on foot the power of France. The aforesaid Scots came in line of 'schiltroms,'<sup>2</sup> and attacked the English columns, which were jammed together and could not operate against

<sup>1</sup>This incident is important, and does not appear in other chronicles of Bannockburn. Sir Thomas Gray, father of the writer, was at the time a prisoner in the Scottish camp, and probably communicated the information direct to his son. It is true that Sir Alexander de Seton transferred his allegiance from Edward II. to King Robert about this time. In March, 1322-3, he proceeded with Sir William de Mountfichet on a mission to the English Court from King Robert.

<sup>2</sup>The 'schiltrom' or *shield troop* was the favourite formation of the Scottish infantry. It was a dense column, oval in form, resembling in effect a modern square.

them [the Scots], so direfully were their horses impaled on the pikes.<sup>1</sup> The troops in the English rear fell back upon the ditch of Bannockburn, tumbling one over the other.

The English squadrons being thrown into confusion by the thrust of pikes upon the horses, began to fly. Those who were appointed to [attend upon] the King's rein, perceiving the disaster, led the King by the rein off the field towards the castle, and off he went, though much against the grain.<sup>2</sup> As the Scottish knights, who were on foot, laid hold of the housing of the King's charger in order to stop him, he struck out so vigorously behind him with a mace that there was none whom he touched that he did not fell to the ground.

As those who had the King's rein were thus drawing him always forward, one of them, Giles de Argentin, a famous knight who had lately come over sea from the wars of the Emperor Henry of Luxembourg, said to the king :

'Sire, your rein was committed to me; you are now in safety; there is your castle where your person may be safe. I am not accustomed to fly, nor am I going to begin now. I commend you to God!'

Then, setting spurs to his horse, he returned into the mellay, where he was slain.

The King's charger, having been piked, could go no further; so he mounted afresh on a courser and was taken round the Torwood, and [so] through the plains of Lothian.<sup>3</sup> Those who went with him were sayed; all the rest came to grief. The King escaped with great difficulty, travelling thence to Dunbar, where <sup>MS.</sup> Patrick, Earl of March, received him honourably, and put his <sup>fo. 209</sup> castle at his disposal, and even evacuated the place, removing all his people, so that there might be neither doubt nor suspicion that he would do nothing short of his devoir to his lord, for at that time he [Dunbar] was his liegeman. Thence the King went by sea to Berwick and afterwards to the south.

Edward de Brus, brother to Robert, King of Scotland,<sup>4</sup> desiring to be a king [also], passed out of Scotland into Ireland with a great army in hopes of conquering it.<sup>5</sup> He remained

<sup>1</sup>The full stop here is omitted in the *Maitland Club Ed.*, making nonsense of the passage.

<sup>2</sup>*Maugre qil enhust q̄i enuyte sen departist.*

<sup>3</sup>*Lownesse.*

<sup>4</sup>This is the first occasion on which Gray acknowledges King Robert's title.

<sup>5</sup>More probably King Robert sent him there to create a diversion favourable to the Scottish war.

there two years and a half, performing there feats of arms, inflicting great destruction both upon provender and in other ways, and conquering much territory, which would form a splendid romance were it all recounted. He proclaimed himself King of the kings of Ireland;<sup>1</sup> [but] he was defeated and slain at Dundalk by the English of that country,<sup>2</sup> [because] through over confidence he would not wait for reinforcements, which had arrived lately, and were not more than six leagues distant.

At the same time the King of England sent the Earl of Arundel as commander on the March of Scotland, who was repulsed at Lintalee in the forest of Jedworth,<sup>3</sup> by James de Douglas, and Thomas de Richmond was slain. The said earl then retreated to the south without doing any more.

On another occasion the said James defeated the garrison of Berwick at Scaithmoor, where a number of Gascons were slain.<sup>4</sup> Another time there happened a disaster on the marches at Berwick, by treachery of the false traitors of the marches, where was slain Robert de Nevill;<sup>5</sup> which Robert shortly before had slain Richard fitz Marmaduke, cousin of Robert de Brus, on the old bridge of Durham, because of a quarrel between them [arising] out of jealousy which should be reckoned the greater lord. Therefore, in order to obtain the King's grace and pardon for this offence, Nevill began to serve in the King's war, wherein he died.

At the same period the said James de Douglas, with the assistance of Patrick, Earl of March, captured Berwick from the English,<sup>6</sup> by means of the treason of one in the town, Peter de Spalding.<sup>7</sup> The castle held out for eleven weeks after, and at last capitulated to the Scots in default of relief, because it was not provisioned. The constable, Roger de Horsley, lost there an eye by an arrow.

Aymer de Valence, Earl of Pembroke, travelling to the court of Rome, was captured by a Burgundian, John de la Moiller, taken into the empire and ransomed for 20,000 silver livres,

<sup>1</sup> 2nd May, 1316.

<sup>2</sup> 5th Oct., 1318.

<sup>3</sup> In 1317. Not of the House of Brittany, as Hailes follows Barbour in stating, but a Yorkshire knight, owner of Burton-Constable.

<sup>4</sup> *Ou furont mors toutes playnes de Gascons;* 'where the Gascons were slain to a man.'

<sup>5</sup> The 'Peacock of the North.'

<sup>6</sup> 28th March, 1318.

<sup>7</sup> Barbour calls him "ane burgess Sym of Spalding."

because the said John declared that he had done the King of England service, and that the King was owing him his pay.

This James de Douglas was now very busy in Northumberland. Robert de Brus caused all the castles of Scotland, except Dunbarton, to be dismantled. This Robert de Brus caused William de Soulis to be arrested, and caused him to be confined in the castle of Dunbarton for punishment in prison, accusing him of having conspired with other great men of Scotland for his [Robert's] undoing, to whom [de Soulis] they were attorned subjects, which the said William confessed by his acknowledgement. David de Brechin, John Logie, and Gilbert Malherbe were hanged and drawn in the town of St. John,<sup>1</sup> and the corpse of Roger de Mowbray was brought on a litter<sup>2</sup> before the judges in the Parliament of Sccone, and condemned. This conspiracy was discovered by Murdach of Menteith, who himself became earl afterwards. He had lived long in England in loyalty to the King,<sup>3</sup> and, in order to discover this conspiracy, went to [de Soulis's] house.<sup>4</sup> He became Earl of Menteith by consent of his niece, daughter of his elder brother, who, after his death at another time, became countess.

The King of England undertook scarcely anything against Scotland, and thus lost as much by indolence as his father had conquered; and also a number of fortresses within his marches of England, as well as a great part of Northumberland which revolted against him.<sup>5</sup>

Gilbert de Middleton in the bishoprick of Durham, plundered two Cardinals who came to consecrate the Bishop, and seized Louis de Beaumont, Bishop of Durham, and his brother Henry de Beaumont, because the King had caused his [Gilbert's] cousin Adam de Swinburne to be arrested, because he had spoken too frankly to him about the condition of the Marches.

This Gilbert, with adherence of others upon the Marches, rode upon a foray into Cleveland, and committed other great

<sup>1</sup> Perth.

<sup>2</sup> *Sur une lettref*, in the original, but evidently the word ought to be *littere*.

<sup>3</sup> Which King? Edward of England or Robert Bruce to whom he revealed the plot. The expression is: *qui longement avoit demore en Engleterre a la foy le roay*.

<sup>4</sup> This passage is obscure also, *qui pur decouerer cet couyne sen ala a hostel*.

<sup>5</sup> The omission of a full stop here in the MS. makes nonsense of this paragraph.

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destruction, having the assistance of nearly all Northumberland, except the castles of Bamborough, Alnwick, and Norham, of which the two first named were treating with the enemy, the one by means of hostages, the other by collusion,<sup>1</sup> when the said Gilbert was taken through treachery of his own people in the castle of Mitford by William de Felton, Thomas de Heton, and Robert de Horncliff, and was hanged and drawn in London.

On account of all this, the Scots had become so bold that they subdued the Marches of England and cast down the castles of Wark and Harbottle, so that hardly was there an Englishman who dared to withstand them. They had subdued all Northumberland by means of the treachery of the false people of the country. So that scarcely could they [the Scots] find anything to do upon these Marches, except at Norham, <sup>MS.</sup> where a [certain] knight, Thomas de Gray,<sup>2</sup> was in garrison <sup>fo. 210</sup> with his kinsfolk. It would be too lengthy a matter to relate [all] the combats and deeds of arms and evils for default of provender, and sieges which happened to him during the eleven years that he remained [there] during such an evil and disastrous period for the English. It would be wearisome to tell the story of the less [important] of his combats in the said castle.<sup>3</sup> Indeed it was so that, after the town of Berwick was taken out of the hands of the English, the Scots had got so completely the upper hand and were so insolent that they held the English to be of almost no account, who [the English] concerned themselves no more with the war,<sup>4</sup> but allowed it to cease.

At which time, at a great feast of lords and ladies in the county of Lincoln, a young page<sup>5</sup> brought a war helmet, with a gilt crest on the same, to William Marmion, knight, with a letter from his lady-love commanding him to go to the most dangerous place in Great Britain and [there] cause this helmet to be famous. Thereupon it was decided by the knights [present] that he should go to Norham, as the most dangerous [and] adventurous place in the country. The said William betook himself to Norham, where, within four days of his arrival, Sir Alexander de Mowbray, brother of Sir Philip de Mowbray, at that time governor of Berwick, came before the castle of Norham with the most spirited chivalry of the Marches

<sup>1</sup> *Par affinité.*

<sup>2</sup> Father of the chronicler.

<sup>3</sup> *Et ia le meinz aucuns de sez journes en le dit chastel envoit lestoir deviser.*

<sup>4</sup> *La guer*, misprinted *quer* in *Maitland Club Ed.*

<sup>5</sup> *Vn damoisel faye.*

of Scotland, and drew up before the castle at the hour of noon with more than eight score men-at-arms. The alarm was given in the castle as they were sitting down to dinner. Thomas de Gray, the constable, went with his garrison to his barriers, saw the enemy near drawn up in order of battle, looked behind<sup>1</sup> him, and beheld the said knight, William Marmion, approaching on foot, all glittering with gold and silver, marvellous finely attired, with the helmet on his head. The said Thomas, having been well informed of the reason for his coming [to Norham], cried aloud to him :

'Sir knight, you have come as knight errant to make that helmet famous, and it is more meet that deeds of chivalry be done on horseback than afoot, when that can be managed conveniently. Mount your horse: there are your enemies: set spurs and charge into their midst. May I deny my God if I do not rescue your person, alive or dead, or perish in the attempt!'

The knight mounted a beautiful charger, spurred forward, [and] charged into the midst of the enemy, who struck him down, wounded him in the face, [and] dragged him out of the saddle to the ground.

At this moment, up came the said Thomas with all his garrison, with levelled lances, [which] they drove into the bowels of the horses so that they threw their riders. They repulsed the mounted enemy, raised the fallen knight, remounting him upon his own horse, put the enemy to flight, [of whom] some were left dead in the first encounter, [and] captured fifty valuable horses. The women of the castle [then] brought out horses to their men, who mounted and <sup>ms.</sup> gave chase, slaying those whom they could overtake. Thomas <sup>fo. 210<sup>b</sup> de Gray caused to be killed in the Yair Ford, a Fleming [named] Cryn, a sea captain,<sup>2</sup> a pirate, who was a great partisan of Robert de Brus. The others who escaped were pursued to the nunnery of Berwick.</sup>

Another time, Adam de Gordon,<sup>3</sup> a baron of Scotland,

<sup>1</sup> *Derier ly*, misprinted *derier* in *Maitland Club Ed.*

<sup>2</sup> *Vn amirail de la mere, vn robbour*. This appears to be the same man as the pirate John Crab, whose engineering skill enabled Walter the Steward to repulse the attack on Berwick in 1319. (See Barbour's *Brus*, cxxx. and Bain's *Calendar*, iii. 126.)

<sup>3</sup> Formerly a supporter of the English King; but, being suspected in 1313, was imprisoned in Roxburgh Castle. (Bain's *Calendar*, ii. No. 337.)

having mustered more than eight score men-at-arms, came before the said castle of Norham, thinking to raid the cattle which were grazing outside the said castle. The young fellows of the garrison rashly hastened to the furthest end of the town, which at that time was in ruins, and began to skirmish. The Scottish enemy surrounded them. The said men of the sortie defended themselves briskly, keeping themselves within the old walls. At that moment Thomas de Gray, the said constable, came out of the castle with his garrison, [and], perceiving his people in such danger from the enemy, said to his vice-constable: 'I'll hand over to you this castle, albeit I have it in charge to hold in the King's cause, unless I actually drink of the same cup that my people over there have to drink.'

Then he set forward at great speed, having [within] of common people and others, scarcely more than sixty all told. The enemy, perceiving him coming in good order,<sup>1</sup> left the skirmishers among the old walls and drew out into the open fields. The men who had been surrounded in the ditches, perceiving their chieftain coming in this manner,<sup>2</sup> dashed across the ditches and ran to the fields against the said enemy, who were obliged to face about, and then charged back upon them [the skirmishers]. Upon which came up the said Thomas with his men, when you might see the horses floundering and the people on foot slaying them as they lay on the ground. [Then they] rallied to the said Thomas, charged the enemy, [and] drove them out of the fields across the water of Tweed. They captured and killed many; many horses lay dead, so that had they [the English] been on horseback, scarcely one would have escaped.

The said Thomas de Gray was twice besieged in the said castle—once for nearly a year, the other time for seven months. The enemy erected fortifications before him, one at Upsettlington, another at the church of Norham. He was twice provisioned by the Lords de Percy and de Nevill, [who came] in force to relieve the said castle; and these [nobles] became wise, noble and rich, and were of great service on the Marches.

Once on the vigil of St. Katherine during his [Gray's] time,

<sup>1</sup> *En le maner.*

<sup>2</sup> *A la gise.* This may be an idiomatic expression for moving briskly, *gise* meaning 'a goad' as well as 'manner, way.'

the fore-court of the said castle was betrayed by one of his men, who slew the porter [and] admitted the enemy [who were] in ambush in a house before the gate. The inner bailey and the keep held out. The enemy did not remain there more than three days, because they feared the attack of the said Thomas, who was then returning from the south, where he <sup>MS.</sup> had been at that time. They evacuated it [the forecourt] and <sup>fo. 211</sup> burnt it, after failing to mine it.

Many pretty feats of arms chanced to the said Thomas which are not recorded here.

About this time Joscelin d'Eyville<sup>1</sup> caused the manor of Allerton to be seized, and held it by force of arms; such disorder taking place because the barons respected not the King's authority, so that every one did as he pleased. At which time John the Irishman<sup>2</sup> ravished the Lady de Clifford; the malefactors were called *schaualdours*.

The barons came at this time to a parliament in London, their people being dressed in livery with<sup>3</sup> quartered coats; and there began the mortal hatred between them and the King.

At which time appeared the star comet; also it was a dear year for corn, and such scarcity of food that the mother devoured her son, wherefore nearly all the poor folk died.

The aforesaid King tarried in the south, where he amused himself with ships, among mariners, and in other irregular occupation unworthy of his station, and scarcely concerned himself about other honour or profit, whereby he lost the affection of his people.

At the same time there came a man who declared himself to be King by right, having been taken out of the cradle and this Edward substituted as King. This fellow was hanged at Northampton, declaring<sup>4</sup> that the devil in the shape of a cat had made him say this.

By intervention of the nobles of the realm the King was reconciled with Thomas, Earl of Lancaster, in regard to the death of Piers de Gaveston, which [reconciliation] endured for a while, and soon afterwards [the quarrel] was renewed.

<sup>1</sup> An ancient Northumbrian family whose castle of Dilston (d'Eyville's toun) still remains, a ruin, near Corbridge.

<sup>2</sup> *Johan le Irroy*, who abducted the lady from Barnard Castle in the autumn of 1315. The King sent three knights and thirty-six esquires to rescue her.

<sup>3</sup> *Ove* = *ave*, misprinted *ou* in *Maitland Club Ed.*

<sup>4</sup> *Reioaunt*.

This King Edward was on one occasion before Berwick with all his royal power, and had besieged the town, which shortly before had been lost to him through the treachery of Peter de Spalding, when he [the King] had given it into the hands of the burghers of the town, in order to save the great expense to which he had been put before. At the same time the Scots entered by way of Carlisle, and rode far into England, when the common people of the towns and the people of Holy Church assembled at Myton,<sup>1</sup> and were there defeated, as a folk unaccustomed to war before fierce troops. Wherefore the King raised his siege of Berwick, intending to operate against his enemies within his realm; but they moved through the wasted lands towards Scotland so soon as they knew of the raising of the siege, [to effect] which had been the reason for their expedition.

MS.  
fo. 211<sup>b</sup>

The King left his Marches in great distress [and] without succour, and retired towards the south, where the great men of his realm were again in rebellion against him, [namely] the said Earl of Lancaster and others, who besieged his [the King's] castle of Tickhill.<sup>2</sup> The Castle of Knaresborough<sup>3</sup> was surprised by John de Lilleburn, who afterwards surrendered upon terms to the King. The Queen besieged the Castle of Leeds, to whom it was surrendered, for the barons would not relieve it out of respect to the Queen Isabel. The said barons came in force, with banners displayed, against the King, at the bridge of Burton-on-Trent, where they were defeated, and retired towards Scotland, as it was said, to obtain aid and support. But at the bridge of Boroughbridge, Andrew de Harcla and other knights and esquires of the north, who were of the King's party, perceiving the barons approaching in good order,<sup>4</sup> seized one end of the bridge aforesaid, the way by which they [the barons] had to pass; where the earls and barons were defeated, killed and captured; the Earl of Hereford being slain, the Earl of Lancaster and many of the barons being taken and brought before the King. The lords de Mowbray and de Clifford were hanged at York in quartered coats, such as their people had worn in London. Thomas, Earl of

<sup>1</sup> 'The Chapter of Myton,' 20th Sept., 1319.

<sup>2</sup> In the West Riding. The Norman keep was demolished in 1646 by the Parliamentarians.

<sup>3</sup> Dismantled in 1648 by the same authority.

<sup>4</sup> *A la maner.*

Lancaster, was beheaded at Pontefract<sup>1</sup> in revenge for Piers de Gaveston, and for other offences which he had often and habitually committed against the King, and at the very place where he had once hooted, and made others hoot, the King as he [the King] was travelling to York.

Andrew de Harcla was made Earl of Carlisle; but he did not last long; for in his pride he would commit the King to having made peace with the Scots in a manner contrary to his instructions; which was the finding of the King's council. This Andrew was tried by the chief men of his council at Carlisle, and was there drawn and hanged.<sup>2</sup>

Andrew de Harcla had behaved gallantly many times against the Scots, sometimes with good result and sometimes with loss, [performing] many fine feats of arms; until he was captured by them and ransomed at a high price.<sup>3</sup>

In the summer<sup>4</sup> following the death of the Earl of Lancaster the King marched with a very great army towards Scotland, having, besides his knights and esquires,<sup>5</sup> an armed foot-soldier from every town in England. These common people fought at Newcastle with the commons of the town, where, on the bridge of the said town, they killed the knight, John de Penrith, and some esquires who were in the service of the Constable,

<sup>1</sup> A.D. 1322.

<sup>2</sup> In February, 1323, Sir Andrew, who took his family name from the manor of Harcla in Westmorland, had done King Edward splendid service. It is true that he entered into unauthorised negotiations with King Robert, and that an indenture, pronounced to be treasonable was drawn up between them at Lochmaben, 3rd January, 1322-3; but it is pretty clear that Harcla never meant to betray his country. He despaired, and with good cause, of Edward II.'s government, and endeavoured to avert the disasters which he foresaw by acknowledging Robert as King of Scots, thereby securing the peace which Robert was anxious to restore between the two countries.

<sup>3</sup> Barbour refers to de Harcla's capture by Sir John Soulis of Eskdale, with fifty men against Harcla's three hundred, 'horsyt jolyly.' He alludes, also, in most tantalising manner to a ballad celebrating the exploit:

I will nocht rehers the maner  
For quha sa likis, thai may her  
Young wemen, quhen thai will play,  
Syng it amang thaim ilk[a] day.

On 23rd November, 1316, Sir Andrew petitioned King Edward II. to grant him two Scots prisoners in aid of his ransom, adding that his valet, John de Beauchamp, will explain how he, Sir Andrew, came to be taken.

<sup>4</sup> *Le procheyn este*, omitted in *Maitland Club Ed.*

<sup>5</sup> Who of course had each his armed followers.

and the Marshal, because they tried to arrest the ruffians so as to quell the disturbance ; so insolent were the common folk in their conduct.

The said King marched upon Edinburgh, where at Leith there came such sickness and famine upon the common soldiers of that great army, that they were forced to beat a retreat for want of food ; at which time the King's light horsemen<sup>1</sup> fo. 212 foraging at Melrose were defeated by James de Douglas. None [dared] leave the main body to seek food by foray. So greatly were the English harassed and worn with fighting that before they arrived at Newcastle there was such a murrain in the army for want of food, that they were obliged of necessity to disband.

The King retired upon York with the great men of his realm ; when Robert de Brus having caused to assemble the whole power of Scotland, the Isles and the rest of the Highlands, pressed ever after the King, who, perceiving his approach, marched into Blackhow Moor with all the force that he could muster on a sudden. They [the Scots] took a strength on a hill near Biland, where the King's people were defeated,<sup>2</sup> and the Earl of Richmond, the Lord of Sully, a baron of France, and many others ; so that the King himself scarcely escaped from Rivaulx, where he was [quartered]. But the Scots were<sup>3</sup> so fierce and their chiefs so daring, and the English so badly cowed, that it was no otherwise between them than as a hare before greyhounds.

The Scots rode beyond the Wold and [appeared] before York, and committed destruction at their pleasure without resistance from any, until it seemed good to them to retire.

<sup>1</sup> *Lez hoblours.*

<sup>2</sup> 14th October, 1322.

<sup>3</sup> *Esteient*, omitted in *Maitland Club Ed.*

(*To be continued.*)

## Excavations at Newstead Fort

### Notes on some Recent Finds

THE work of excavating the Newstead Fort still continues. Much has been done in tracing the plan of the buildings in the interior, and several points of interest have emerged ; but the most striking result of the work lies in the collection of objects from the Roman period which have been brought to light. In this respect the Newstead excavations more closely resemble those of the German Limes Forts than any hitherto undertaken on similar sites in Britain.

The finds for the most part have been made in clearing out what would appear to be disused wells or rubbish pits. These have been found outside the Fort as well as within the ramparts. In depth they vary from twelve to thirty feet, and all of them are more or less full of decomposed animal and vegetable matter which has a marked preservative influence. In many instances branches of birch and hazel have been found with the bark bright and silvery. Animal bones occur in large quantities, and rope, fragments of cloth, even a tiny portion of an egg-shell, have been met with. Pottery is well preserved, and the red Samian ware retains the full brightness of its glaze. Iron tools seem little the worse for their immersion, and brass and bronze objects have been recovered showing little or no discolouration. The finds made in the pit discovered in the courtyard of the Praetorium, consisting of an altar and remains of armour, were noted in the October issue (*S.H.R.* iii. 126). In tracing the barrack buildings on the east side of the Fort, the sinking of a wall revealed another pit, at the bottom of which was found a bronze vase with a single handle. It stands eleven inches high, and belongs to a type emanating from Southern Italy. It probably dates from the end of the first century. Similar specimens have been found in Central Europe, and traces of them have been met with before in Scotland, as in the remains of bronze vessels found on Ruberslaw,

now in the Hawick Museum ; but the metal of which they are made is thin, and we do not know of another specimen in the north which has survived in its entirety. The vase is undecorated, except for the handle, which is of fine workmanship, and in part beautifully patinated. The highest point is formed by a lotus bud, rising from a collar of leaves from which two arms in the form of long-beaked birds spread out to attach it to the rim of the vase. The lowest point of the handle, where it is fastened to the side, takes the form of a Bacchanal head, with ivy tendrils wreathed in its hair.

In the field known as the Fore Ends, lying to the south of the Fort, and just beyond its ramparts, fourteen pits have been cleared out with most interesting results. In one of these two chariot wheels three feet in diameter were found. The felloes were made of a single piece of ash, with an iron rim. The hubs were of elm, bushed with iron. The spokes, which were unfortunately broken, were neatly turned, fitting into the hub with a square tennon and into the felloe with a round tennon. The type of wheel is precisely that of the interesting specimen found last year at Barrhill. In the same pit was found a human skull cleft by the blow of some sharp weapon, an axe, and remains of two buckets. In another pit was found a small globular vase of Samian ware, an iron sword, a battered bronze object, which at first was thought to be a helmet, but which is more probably a vessel, with the name *LVCANI* twice scratched upon it, two long chisels, one with its haft of bone, a hoe or entrenching tool, and a number of iron mountings.

A most valuable collection of armour came from a third pit. It consisted of four pieces of bronze armour, two for the protection of the shoulders, and two probably for the arms ; nine phalerae of bronze ; a circular plate of bronze, nine inches in diameter, embossed in the centre ; an iron helmet considerably damaged ; fragments of a second helmet ; an iron visor mask, unfortunately broken ; and a very fine helmet of brass decorated with embossed figures in high relief. The pit also produced an iron sickle-shaped knife or bill-hook, a quantity of leather and some shoes, two bridle bits, a complete quern, and several fragments of Samian ware. Part of one bowl, of a type dating from the end of the first century, has been put together. The bronze armour and the brass helmet, all objects of the greatest rarity, are in wonderful preservation,



*C. H. Curle*

ROMAN HELMET OF BRASS FOUND AT NEWSTEAD, 11TH APRIL, 1906

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and it adds greatly to their interest that on most of them the owner's name has been scratched with a sharp point. Three of the four armour pieces have the number **XII** punctured upon the inner side, and one the number **XV**. All of the four have scratched upon them the name **SENECIONIS** or **SENECIO**. In addition, the last-mentioned piece has a name faintly scratched, of which the reading is possibly **SIUSELI**. The nine phalerae all bear the name **DOMETI ATTICI**. The brass helmet has an inscription punctured on the rim, probably an owner's name, but it has not as yet been satisfactorily deciphered. The armour pieces are without decoration of any kind; they appear to have been sewn on leather, and are furnished with small holes round the edges for that purpose. The phalerae were, on the other hand, fastened to the lorica by small nuts, many of which remain. It is interesting to note that, though undecorated, they correspond exactly in number and in shape to the well-known set of these objects found at Lauersfort, in Prussia, in 1858, now preserved in Berlin. Of the two iron helmets one has probably been quite plain, only fragments of it are left; of the other, though much damaged, enough remains to show us that in type it probably resembled the specimen found at Bettenberge, now at Stuttgart. The whole of the back of the head is fashioned to resemble curling locks of hair bound with a wreath. Several attachments of bronze which remain were, no doubt, intended for use in fixing a plume or crest. The rim round the neck is overlaid with a band of bronze decorated with a chevron ornament.

It is probable that the iron mask found formed the visor of this helmet. The features are of classical type, as in the visor of the well-known Ribchester helmet, and in other specimens found on the Continent. On the forehead and above the ears are curling hair-locks resembling those of the helmet, and among them small pieces of silver are to be noted, probably the remains of some ornamentation. The most perfect object of the find is the brass helmet. No visor was found with it. It covers the head and neck, and has a high projecting peak in front. The whole of the crown is covered with an embossed design. At the back a winged figure stands upright, driving a two-wheeled chariot, to which a pair of griffins are harnessed. In one hand it holds the reins, in the other a whip, with which it urges them on. In front another winged figure floats through the air. A helmet in many respects

resembling it was found at Nikopol in Bulgaria, and is now preserved in Vienna. It has the same projecting peak, and though more elaborately executed, a design with winged figures.

Twice in England a large number of iron objects have been found in Roman pits. The first find occurred at Great Chesterford in Essex in 1854. The second at Silchester in 1900. A similar find has lately been made at Newstead. The pit was twenty-two feet in depth. In the usual deposit of black decaying matter it contained a quantity of bones, among them some fine red deer antlers, a saddle quern, an oak plank, a yoke also of oak, a beautifully made shoe with the upper part of openwork, a large vase of black ware, portions of a human skull, and no less than ninety-one objects or pieces of iron, and three of brass. These consisted of two small anvils, one sword, five spears, four scythes, five hammers, two pairs of tongs, two chisels, two gouges, one stirrup, one axe, four pickaxes, one chain, two handles, a smith's drift, a bucket hoop, two wheel rims, twenty-six hub rims, two staple mandrels, five pieces resembling the tops of a railing, three brass mountings, and twenty-two pieces of iron or portions of objects to which a purpose cannot be assigned. The sword blade is broken in two. Some of the spear points are blunted by use. The pickaxes, which have all the appearance of military tools, have the edges broken and the points turned by hard usage. Many objects show signs of wear, others were evidently in process of being converted to some new purpose. The whole find suggests the contents of a forge.

A considerable area still remains to be excavated if the necessary funds are forthcoming. Should it yield results as interesting as those already obtained, the Newstead finds will form a collection of the greatest archaeological value as illustrative of the life on the Roman frontier.

JAMES CURLE.

[*The nature and variety of the finds at Newstead Fort and the care with which they are being recovered and preserved, make the excavations a work of national importance. The expense of digging is very considerable, and further funds are required. Contributions may be sent to Joseph Anderson, LL.D., Society of Antiquaries of Scotland, Queen Street, Edinburgh.* Ed. S.H.R.]

## The Ruthven of Freeland Barony and Mr. J. H. Round.

THE Ruthven of Freeland peerage controversy, so far as I am at present concerned, consists of Mr. J. H. Round's articles or article to prove that the peerage is extinct,<sup>1</sup> my pamphlet to shew that Mr. Round has not made out his case,<sup>2</sup> Mr. Maitland Thomson's review of that pamphlet (*S.H.R.* iii. p. 104), and Mr. Round's reply to it (*S.H.R.* iii. pp. 194 and 339). I now proceed to make my second, and, as I propose, my final contribution to the controversy, consisting of an examination of Mr. Round's Reply.

One preliminary observation occurs to me to be made. It is, that I propose to treat as Mr. Round's *own* arguments all arguments which he puts forward for his own purposes. Mr. Round desires to distinguish, in the matter of his responsibility, between the arguments which he has only borrowed from Riddell and the late Earl of Crawford, and those which he has discovered or invented for himself. I do not refer to his statement that 'Mr. Stevenson . . . persistently ignores my own points which tell against his case.' The truth of that assertion may be left to the judgment of those who have taken the trouble to read my pamphlet. What I refer to are the passages in which he says that I put in his mouth, or foist upon him statements which are not his, but which he only quoted. I reply that a disputant is not permitted to borrow statements or arguments and use them for his own purposes, and at the same time deny that they are his arguments. It is impossible to recognise any differences in a controversialist's responsibility for the weapons which he uses.

Ingrained in all Mr. Round's writings on the question of the peerage of Ruthven is the theory that a special Scotch

<sup>1</sup> See Foster's *Collectanea Genealogica*, 1884, p. 167; *Quarterly Review*, 1893, p. 407; *Studies in Peerage and Family History*, 1901.

<sup>2</sup> *The Ruthven of Freeland Peerage and its Critics* (MacLehose), 1905.

system exists which affords a shelter to the pretender to a peerage from the necessity of proving his right, to which he would have been exposed in England. It has to be remembered therefore that there is no such system. The same law with regard to the assumption of titles of peerage obtains in both countries, and the jurisdiction of the House of Lords to compel its observance is the same in Scotland as it is in England.

Mr. Round informs us, however, that 'no less a writer on the British Constitution than Sir William Anson has declared the absence of any certain bar to the wrongful assumption of Scottish dignities a flaw in our existing system'; and that Mr. Æneas Mackay and the late Lord Clerk Register, and Lyon King of Arms 'reluctantly admitted' to the Lords' Committee of 1882 that there were persons in Scotland who had not been put to a proof of their pretensions, and persons who might and might not be peers. But we should like to have the proof that these authorities admitted or asserted the fact that what they said applied specially to Scotland, or, what is better, the proof of the fact itself.

As Mr. Round informs us at this point that he is an Englishman, his proof of the Scottish flaw must not be called Irish; but the fortification of his statement consists, *firstly*, of a citation of the Irish 'Lord Carlingford' case; *secondly*, of the mention of 'a certain title,' unnamed, and not said to be Scottish, 'which has never been, and, it is alleged, never could be proved,' and of which Mr. Round mysteriously announces: 'I may add that, to my own knowledge, this case causes anxiety in an official quarter';<sup>1</sup> and, *thirdly*, 'at least one English peerage title which is at present persistently assumed.' (S.H.R. iii. p. 195.) It is only as he writes that Mr. Round finds a current Scotch case, or a rumour of one, in a newspaper, and puts it in a footnote.

So Mr. Round has admitted that the unwarranted assumption of a title of peerage may be found in England and Ireland; and has proved that his authorities cannot possibly have meant what he attributed to them.

The only peculiarity in peerage matters in Scotland, which is not found in England or Ireland, is one which has nothing to do with freedom or restriction in assuming titles; it is that in Scotland the peers are summoned to elect their parliamentary

<sup>1</sup> Society papers, please copy.

representatives without a roll of peers, but with a roll of peerages only; with, in fact, no roll of voters, but only a roll of qualifications, and with no power of refusing votes without the intervention of the House of Lords. But whose fault is that?

The Lords' Committee of 1882, from whose Minutes of Evidence Mr. Round quotes, a Committee the majority of whom were Scotsmen, reported unanimously in favour of the institution of a Roll of Peers. They also, by a majority, reported in favour of altering the system in matters of protests, etc., and of taking evidence in Scots peerage claims, by utilising the Court of Session. Who then appeared 'passionately attached to the present system or lack of any,' or revealed that the subject was a 'tender' one for him? It was Mr. Round's own countryman, the Earl of Redesdale, who dissented from the majority because he considered that their suggestions were an imputation on the efficiency of the House of Lords as the Court for all these matters for the last 170 years. Mr. Round must have missed the Report.

The Committee also was moved to make recommendations by the advice of its Scots witnesses, Mr. Mackay, the Lord Clerk Register, and the Lyon King, who agreed on this at least, that the present electoral system was in want of amendment. Mr. Round must have missed that too; for it turns out that the facts which he innuendoes as 'admissions,' 'reluctant,' 'very reluctant,' and so on, Lyon indeed being 'driven to admit,' were actually the facts which they had come expressly to London to persuade the Committee to accept as grounds for the changes which they desired.

The discussion, however, has no relevance to the question of the peerage of Ruthven, unless proof is forthcoming that the system, Scottish or not, has actually protected that peerage from any sufficient trial to which it would otherwise have been subjected. That proof is absent.

In his original case, Mr. Round stated that, in Scotland, 'Wrongful assumptions were challenged in one of two ways: (1) by a counter-claimant, as in Oxenford, and Rutherford. . . . (2) by the vote happening to turn the scale at a contested election, as in Newark, and Lindores.' He asserted at the same time that the first test 'could not' apply to Ruthven, because there was in fact no counter-claimant. He stated also that on the only 'important' occasion on which the second test

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was in fact applied, Ruthven, being a minor, was not present. 'We thus perceive,' says Mr. Round, 'that it was from special circumstances that the Ruthven peerage escaped challenge.'

The argument, of course, embodies the familiar formal fallacy of the 'illicit major.'

The rival claimant and the said contested election are dangers. Ruthven escaped these.

Therefore Ruthven escaped all dangers.

But it does not appear why there was no counter-claimant, if, as one of Mr. Round's authorities says, the peerage was open to collateral *heirs male*. Nor do we perceive that the Ruthven vote was never exposed to challenge merely because the peer was not able to be present on the only 'important' occasion on which other peerages were challenged. There is thus, manifestly, a complete failure of proof that the Ruthven 'escape' from challenge was due to 'special circumstances.'

In consequence of the abundant evidence which I adduced in my pamphlet that the event of the appearance of a rival, or the event of a vote turning the scale at an election, were not the only contingencies which a pretender to a peerage had to fear, Mr. Round now rejoins: 'I never used the word "only"' (*S.H.R.* iii. 200, note 2). I accept the disclaimer, without examination of the fact. His amended statement of his argument is now: 'That the accident of its [Ruthven's] survival is explicable by its lucky circumstances, which saved it from the usual perils' (*ib.* 196).<sup>1</sup> Verily, Mr. Round, whatever he meant before, puts forward a transparent fallacy now.

To the consideration of the cases of protest which were not made by rival claimants, and not made when there were contests imminent, Mr. Round has now applied himself; and he says that they were 'rare,' and, arguing from the occasions of the cases on record, he says such protests were 'only based' on '(1) the claim being at variance with a known limitation, and possibly (2) on a claimant not having proved his pedigree.' In the case of Ruthven, therefore, he concludes: 'Naturally there was no protest, because these grounds of a protest were wanting.' This is an instance of an argument in a circle, Mr. Round having premised that the bases he observed were the 'only bases.' But there was nothing to restrict the peers from challenging on any sufficient ground.

<sup>1</sup> Mr. Round's arguments here from the cases of Duffus and Oxenford, even if otherwise valid, which they are not, contain this fallacy.

It therefore stands that Ruthven's 'lucky circumstances' did not save it from the danger of challenge. Other peerages were challenged by the Lord Clerk Register, or by a peer who was no rival claimant, and at times when there was no contest of any kind. And the House of Lords repeatedly interfered whether there was a competition or a protest or not, and ordered the pretender to a peerage to prove his right before he further attempted to use the title.

I find no important observations in Mr. Round's reply on the cases I adduced in my proof. To some of them he makes no reply at all. The only argument which seems to call for notice regards the case of Wigton. It, says Mr. Round, was 'a glaring case of baseless assumption.' In his view, however, that circumstance cannot distinguish Wigton from Ruthven, which he has announced to be a 'fraud,' and a 'flagrant scandal . . . of, I believe, unparalleled character.'

But not even a fragment of Mr. Round's argument remains. For he denies also that he ever said that the Lord Ruthven of 1734 in question never voted when his vote might have turned the scale. (*S.H.R.* iii. 199.)

It is thus clearly to be presumed that the peers at elections, and the peers in parliament, refrained from challenging the Lords Ruthven, not because of the absence of any interested party to bring the case before them, but simply because they did not class the Lords Ruthven with those whose titles ought to be challenged, or needed to be proved.

Mr. Round here falls back upon an argument which concludes for a smaller concession. The cases of Borthwick [which he has admitted] and Wigton 'will not,' he says, 'avail Mr. Stevenson, for what he has to prove is that "all things" were set right, and if it can be shewn that a single known wrongful assumption ran the gauntlet successfully, Mr. Stevenson's argument breaks down, for Ruthven may have done the same.'

It would no doubt be a relief for the assailant in this case if the onus of proof which he has undertaken might now be shifted on to the shoulders of his opponent; but the principles of probation decline to assist him. Firstly, I cannot be compelled to prove a negative, and secondly, as I have shewn that the House of Lords once set its hand to the elimination of mere pretenders, and that it successfully eliminated a number of them, a presumption has come in, whether Mr. Round or I

will or not, that the House continued its work till it completed it.

Mr. Round styles the peerage of Ruthven 'an accidental survivor,' but that proves nothing. How accidental? Because the 'exceptional' action of the House of Lords was 'but a flash in the pan.' If there was ever any use in conundrums, I should be inclined to ask why Mr. Round so frequently argues in a circle.

There is, then, no presumption that the House stopped short. That is a fact which Mr. Round has to prove; and if his proof is to neutralise the presumption arising from a recognition as prolonged as that of Ruthven, he must be able to point to an instance in which a peerage was (1) known to be extinct, and (2) was, nevertheless, allowed to a line of pretenders for a very considerable term of years.

Mr. Round tables two cases, Newark, and Colvill of Ochiltree, and my respect for his abilities entitles me to assume that they are the most apposite to his purpose that can be found. But neither of the cases possesses the requisite characteristics. Newark fails in the first; it was not known to be extinct until the House of Lords, in 1793, pronounced its documentary title to be bad. The case of Colvill fails in the second requisite. As Mr. Maitland Thomson says: 'For claimants of the Colvill of Ochiltree type there is justice in Scotland as swift and sudden as south of the Tweed.' (S.H.R. iii. p. 108.) The pretender to that title appeared in 1784, and in that year voted at an election; he voted again in 1787, but on tendering a vote a few months later, in January, 1788, his vote was challenged, and on a petition was disallowed. That was the end of that claimant; he at least cannot be said to have 'run the gauntlet successfully.'

The proof, then, that any known wrongful assumption ever ran the gauntlet, or received the recognition accorded to the peerage of Ruthven, has failed.

It is not surprising, as I have said, that the assailant of this peerage, who has asserted the fact that the peerage is extinct, should desire to be relieved of the proof of it.

So we find Mr. Round harking back to the presumption of law, which, he complains, I have not dealt with. Abandoning his proof that the patent was to heirs male of the body, or else to heirs male, he states the fact that, 'when the contents of a patent are unknown, the law, as laid down by Lord Mansfield,

presumes a limitation to the heirs male of the body of the patentee.'

That is, no doubt, perfectly true, but the existence or nature of a legal presumption invented in 1761, which fixes the onus of proof, relieving the heir male, and burdening the heir of line and the heir of entail, is quite irrelevant to the enquiry. It deals with the necessity, not the weight of evidence.

'As the contents of the patent are admittedly unknown,' he perseveres, 'that title has been extinct in the eyes of the law, as now understood and acted upon, for the last 180 years.' So Mr. Round invites us to consider a presumption of law as a point in a demonstration of fact! But it won't do. Lord Mansfield's doctrine neither extinguishes nor vivifies peerages.<sup>1</sup> If it absolves Mr. Round from proof until the presumption is rebutted, good and well. But if from any feeling that, for example, facts and circumstances have rebutted the presumption, Mr. Round enters the arena of fact, he is on the level of all disputants, he has to prove his facts.

What then are the facts? It is amazing, at this advanced stage in the discussion, to find a disputant who has been engaged in it for twenty years, starting the suggestion, that perhaps there never was any Ruthven of Freeland peerage at all. Mr. Round is not very sure of his law, he does not 'insist in any way upon this'; but he states the fact 'for what it is worth,' that the Ruthven patent never passed the Great Seal! (S.H.R. iii. 198.)

But what ground does Mr. Round shew for the statement? Not a scrap. He points out that the contemporary patent of the Earldom of Ormond never passed the Seals. But granted that a second patent had to be issued before the heir could sit in Parliament, Lord Ruthven was already sitting there. That is all that Mr. Round's facts on this head come to. His assertion that the patent of the lordship of Ruthven was in the same case with that of Ormond, is entirely out of his own head. He refers to Riddell (*Peerage Law*, pp. 67, 68), at the end of his sentence, but Riddell says not a word about the Ruthven patent in the whole book.

On entering into the discussion of the validity of the attack on the survival of the Ruthven peerage I found ranged against Mr. Round the Union Roll of 1707 (along with which

<sup>1</sup> If Mr. Round were right, the Sutherland peerage had been extinct for 250 years when the same Lord Mansfield, in 1771, awarded it to an heiress.

may be taken the Parliamentary Roll of 1706), the Roll of 1740 returned by the Judges of the Court of Session, and the uniform practice at Holyrood at the Elections of Peers, and at Court, Coronations, etc.; and cited in his favour Crawford's *Peerage*, Chamberlayne's List, MacFarlan's List, and a manuscript note by Lord Hailes, also John Riddell's opinion, in his *Remarks on the Scottish Peerage Law*, 1833, pp. 136, 143.

It is thus seen that the evidence here in favour of the peerage contained in the official Rolls is at least superior in kind to the evidence collected against it. The distinction is well recognized in all Courts of Law. The official Roll is certainly admissible evidence and to be taken as good until it is proven not to be good; while the evidence of irresponsible writers has to be shewn to be admissible before the nature of its contents can be looked at.

*The Union Roll of 1707.* This Roll of 1707 was but a certified copy of the Roll of the Scotch Parliament, as was proved by its identity with the Roll of 1706. It admittedly included the title of Ruthven. Mr. Round, following Riddell, argued that the inclusion of a peerage in the Roll did not prove that the peerage existed, because the Roll omitted three peerages, Somerville, Dingwall, and Aston of Forfar, that were extant, and admitted two, Abercromby and Newark, that were extinct.<sup>1</sup>

The omission of the holders of good titles does not prove the inclusion of bad titles; but in the case of each of these omitted titles I found something that distinguished it from the cases of peerages in a normal state of exercise. Somerville had not appeared even in the Decree of Ranking of 1606, and had not been asserted since. No Lord Dingwall had ever taken his seat in Parliament; the first lord had become an Irish Viscount and Earl, and the family had entirely left Scotland for near a hundred years. The first Lord Aston of Forfar was an Englishman. He had sat in

<sup>1</sup> Mr. Round says that his reference to the inclusion also of two dormant peerages, Ochiltree and Spynie, on the Roll was merely to shew that inclusion did not infer a recognition that the title had been validly assumed by any particular person. Of course it did not. The Roll was merely a Roll of Peerages. Inclusion in it inferred merely that the peerage was extant. For the sake of a full statement of the elements of the Roll, I called Mr. Round's attention to an admission of another extinct peerage, that of Glasford; but as he does not appear to accept the case, I do not press it. It turns on whether Lord Glasford's death in the Fleet Prison should have been officially known in Scotland.

Parliament on two successive days in the year that Charles I. went to Edinburgh to be crowned, and that was all. He died in 1639. His son and grandson had never sat. If the framers of the Roll of 1707 had happened to know of the survival of these titles so long after they had disappeared from Parliament, good and well. But it is ridiculous to insist that as they knew of the survival of Fairfax, they should have sent a commission abroad to enquire for Aston and his pedigree.

As to the inclusion of the two extinct titles, Abercrombie and Newark, I found that their retention on the Roll was capable of explanation.<sup>1</sup> The case of Abercrombie turned upon the construction of its patent, one of the clauses of which bore that the title went to collaterals. Newark turned, as I have already said above, on the validity of a document, which was not ascertained till 1793.

After stating the facts just summarised I added, 'Mr. Round will perhaps be dissatisfied with the foregoing account of the errors of the document in question, for again, following Riddell, he informs us in a footnote that such was the carelessness and inaccuracy with which the Union Roll was constructed that "Douglas himself confesses the inaccuracy of the test, for he at the same time observes that the Lords of Session in 'their report found the titles of no less than twenty-five Peers of that Roll dubious,' so little reliance is there to be placed upon it." (Round, page 174, Riddell, page 136.)

Mr. Round's sentence bears only one construction. It meant that the judges had found that twenty-five of the titles on the Union Roll were doubtful when they were placed there. I proved that Douglas never confessed or asserted what Mr. Round said he had confessed; and that, whether he had or not, the judges never found or pretended to find what Mr. Round says they found. What has Mr. Round had to say in reply? He says: 'My readers are now, doubtless, prepared 'to learn that I have nowhere made any such statement. The 'statement that the Lords of Session found the titles of no 'less than twenty-five Peers of that Roll dubious is triumphantly 'cited by Riddell from Douglas, who is therefore the person 'responsible for it. I am in no way responsible for its accuracy, 'nor did I myself impugn more than two titles, besides Ruthven, 'on the Roll' (S.H.R. iii. 299). So in the act of running

<sup>1</sup> It is worthy of notice that they appear also in Chamberlayne's List of 1708, the first edition of the List cited by Mr. Round, as an authority.

away he says over his shoulder that the charge was good—'triumphant.' Some pages earlier in his Reply (page 203), he quotes an accusation of irrelevancy levelled by me again against Riddell. On that he comments: 'Riddell is a dead man who cannot defend himself.'

Mr. Round accuses me of not meeting his argument, that 'retention of a peerage on the Roll was merely an admission that its extinction had not been demonstrated, and was not a recognition that it had been validly assumed by any particular person.' (The italics are Mr. Round's.)

But no one ever said that the presence of a peerage on the Roll was an assertion of the pedigree right of the holder, and it is quite unnecessary to take the trouble to confute the assertion that the retention on the Roll of a peerage, which was in the position of the Ruthven peerage, for six years after the extinction of the grantee's male line, while the patent was no more than fifty years old, was merely an 'admission' that its extinction had not been demonstrated.

*The Roll of 1740* was made up in the form of a Return, in pursuance of an Order of the House of Lords demanding, among other things, a list of all the existing Scotch Peerages and a statement as far as the judges were able to make it of the particular limitations of those peerages. The judges confined themselves to the first part of the remit.

Their Return contained a list of Peerages, which list was, practically, the Roll of 1707 along with some additions, some omissions, some alterations and some observations. The Return has all the weight of an official document made by the most responsible authorities in the performance of a public duty. And the form and contents of the Return are such as to leave no alternative to the conclusion that the judges proceeded to their work with the greatest method, and that they deliberately classed the peerage of Ruthven with those of the subsistence of which they had no doubt.

Mr. Round's assertion first in logical order against this Roll was that it had 'no judicial or even official authority.' I believe I showed in reply that the Roll has both. What then does Mr. Round reply? He attempts to escape from the responsibility of having made the assertion.

'Here we have Mr. Stevenson again trying to foist on me a statement which was not mine, but as we discover in his next page Lord Crawford's.'

Other people must have discovered Lord Crawford's authorship in my next *line*. My words were: 'Mr. Round's argument which comes first in logical order, is the formal objection that the report has "no judicial or even official authority." His statement is couched in what is, or appears to be, a quotation from the great pleading in favour of heir of line of the earldom of Mar.'

But Mr. Round adopts the statement. He puts it in italics. He announces that Lord Crawford in the quotation 'disposes of this unfortunate document,' and pronounces his Lordship's assertions an '*exposé* of "the Lords of Session" and "their elaborate (!) report." Finally he adds, 'so much for the evidence of this report.' After all this it is that Mr. Round attempts to disown the statement. Then, after having solemnly treated us to all this quibble as to whether the words are his own or not, he takes the trouble to reprint them *in extenso*, and again in italics, and comments on them, 'this is strong enough, and I cannot wonder that Mr. Stevenson does not like it.' He petitions to be allowed to adopt other people's statements, without having to take the consequences.

Then, similarly after disclaiming the responsibility for the statement, which he quotes from Lord Crawford, that the report was the work of one man, he concludes, 'and at the end of it all what do we find? The above quotation from Lord Crawford is perfectly accurate, which is all that concerns me.'

The extent to which the logic of authority appeals to Mr. Round on occasions is remarkable. The strength of Lord Crawford's statement carries conviction to his mind, and terror, he concludes, to his opponents' souls. But what *was* the 'end of it'? I proved that it was not the fact that the Report was the work of one man, and I shewed that the Report certainly has official authority. What the accuracy of Mr. Round's quotation of inaccuracies matters I do not pretend to know. Mr. Round made other and longer quotations from the Earl. But I showed, by printing the original passages, that Mr. Round's quotations were so selected and pieced together as to be essentially misleading.

Leaving the contemplation of Lord Crawford's statement, Mr. Round proceeds to adduce some equally partizan assertions of Riddell's, and immediately expresses the anxious hope that 'if

'Mr. Stevenson should attempt to dispose of these assertions 'so fatal to his whole argument,' he will at least refrain from describing them as 'Mr. Round's statements.' My present business is to examine Mr. Round's statements and arguments. If, therefore, he does not adopt the assertions and make them part of his case, they do not come within the circumscribed task to which I have set myself.

It appears, then, that my conclusion remains, and that the Report of 1740 'is a certificate of the existence of the peerage of Ruthven at its date, which can only be outweighed by very direct and overwhelming evidence to the contrary.'

Mr. Round gravely assures us that Riddell was *reluctantly compelled* to admit that the Roll of 1740 contained inadvertencies and inaccuracies. Just so, and the wolf who set himself to pick a quarrel with the lamb was reluctantly compelled to admit that the lamb who was down stream was polluting the water which he, the wolf, was drinking. If Mr. Round knew more about his subject than he appears to do, he would not fall into the solecism of quoting Riddell as he does.

Riddell's works are a quarry of charter and pedigree facts, but in argument they are little more than the vehicle by which, if he did not consciously attempt to influence public opinion in favour of his clients, he at least gave the world the substance of his briefs. His confession of the history of his published opinions deprives them of the slightest particle of judicial authority. It is to be found at the end of his *Stewartiana* (Edinburgh, 1843). His section there headed *My Last Chapter* which begins on page 147 of that work, and which was inserted in that book after the index was completed,<sup>1</sup> is one of the most cynical confessions ever made by any writer. From what prudential motives the confession arose does not appear, but they were at any rate sufficient to induce Riddell to state expressly that his published books, including the two on which Mr. Round so confidently founds, were written in advocacy of his clients:—

'I only praise Lord Hailes because I find his authority convenient to support some peerage cases which I am engaged to defend. If I had been on the other side I would have abused him as I have done other judges who differed from 'me' (p. 149).

<sup>1</sup> I cite from Riddell's presentation copy to Thomas Thomson.

Then follows an extraordinary catalogue of his forensic resorts in objurgation and vituperation, mainly of Lords Mansfield and Roslyn, culled mostly from his *Peerage Law*, that storehouse from which his disciple in the Ruthven case brings out things new and old under the blissful impression that every word of Riddell is of the quality of a citation from the judgment of a supreme court. Some lines further down (p. 150) Riddell reveals the character and intention of his writings:—

‘I am quite aware that anyone who liked to pull them to ‘pieces, might make a curious contrast between my first ‘performance and my last (my *Remarks* of 1833 and my ‘*Peerage Law* of 1842), and what more natural when they ‘were written on different sides of the question?’

As it is unnecessary to add to what I have already said on the subject of the coronation summonses I pass to Mr. Round’s proof in contradiction of the Rolls.

*Crawfurd’s Peerage.* Crawfurd had said that the peerage died with David, the second lord. (That Crawfurd changed his mind afterwards we may neglect in this context.) As there were collateral heirs male, Crawfurd meant that the peerage was to heirs male of the patentee’s body. I found, however, that Crawfurd’s short article in the peerage in question was otherwise full of errors, it is wholly unreliable. There is no need of rehearsing these errors.

*Chamberlain’s List of 1726.* This list Mr. Round adduces to prove generally that the Ruthven peerage was non-existent when David’s heirs were assuming it. The list is an anonymous part of a London periodical of the almanac type, entitled ‘*The Present State of Great Britain*,’ and I showed it to be full of errors and utterly unreliable, even if it were admissible as evidence at all.

‘*A Contemporary Manuscript of Note.*’ ‘There is,’ says Mr. Round, ‘no contemporary clue to its [the patent’s] contents save a manuscript of note in the “Advocate’s Library,” in which the dignity occurs in a list of creations, granted to Sir Thomas Ruthven and to his heirs male.’ I showed that the manuscript, on the face of it, was a hundred years later than the patent, and that it was notable only for its errors and its unreliability; and I asserted that Mr. Round must have founded upon it without examining it.

I pointed out also that, if reliable, the list completely con-

tradicted Mr. Round's other authority, Crawfurd, for the List gives the title to collaterals, while Crawfurd denies it to them.<sup>1</sup>

*Lord Hailes's Manuscript Note.* Mr. Round's fourth and last authority was a statement of Lord Hailes's on the margin of his copy of Douglas's peerage (a book published only in 1764) at the statement in the text dealing with Isabell, Lady Ruthven's, summons to Royal Coronations. The note runs that 'in a jesting way she said that this was her patent, and that she would preserve it as such in her chartered chest,' and it added that he had heard that Lady Ruthven's pension was 'to Lady Ann Ruthven.'

I showed (1) the immateriality of this tale, (2) that there was no evidence of its truth; that from the dates of Lady Ruthven's death, 1732, and Lord Hailes's birth, 1726, the story depended on hearsay, possibly on hearsay of hearsay; (3) that Lord Hailes was not shewn to have been in any special position to learn the family tradition; and (4) that the designation 'Lady Ann' was not necessarily any denial of her peerage, in support of which last I cited the instances collected in the minutes, etc., of the Herries Peerage Case.

What has Mr. Round had to say in reply? Not a word. The whole of his positive authority for the absence of right of the heirs in possession has thus gone by the board, without an attempt to save it.

*The conduct of the family.* In one of his opening sentences in his original indictment Mr. Round announced that the assumption of the peerage under consideration originated in a joke. It is of course obvious to every one, whether lawyer or not, that if the statement was true, the burden was at once thrown on the defenders of the peerage to show when the assumption of the title changed its character and became anything else than a joke. He now explains—an extraordinary explanation—that the joke he referred to was the joke retailed in or after 1764 by Lord Hailes, and he stands amazed at my not recognising the fact. My observation is that the fact was unrecognisable in the fiction. The peerage was assumed by the female heir of entail in 1702, and Mr. Round has said that that assumption originated in a joke. Now that he is brought to book, he

<sup>1</sup> Mr. R. complains that I 'persistently ignore' his 'own' points. The word 'contemporary' was Mr. R.'s 'own' here. All the rest was Riddell's.

says he did not mean anything more than that there was a joke made twelve or twenty-five years afterwards, after the coronation of 1714 or of 1727, he does not know which; and that if the lady in a joke seized upon her summons to the coronation as the 'first official recognition of her assumption,' it appears to Mr. Round to be admissible for him to say that the assumption of the peerage had originated in 1702 in a joke. It is most certainly not admissible, and the proof of that is that the statement was essentially and grossly misleading.

The question is, however, settled. Mr. Round no longer asserts that the assumption of the peerage originated in any such way.

*Jean, Lady Ruthven.* Mr. Round's indictment as concerned her, rested on two propositions: The first of these was her significant delay. He asserted that she did not assume the title till twenty years after her brother's death. I proved that she took it up in twenty months, and in how much less we know not. Mr. Round admits that correction. If I dealt with him as he deals with Douglas, Burke, etc., I should say he 'carefully kept out of sight' the fact that Jean took up the title thus early because it would have been a 'fatal flaw' in his story about her 'significant delay'; but I think it was done through pure ignorance, the same which is visible in so many other parts of his performance.

The second proposition was the lady's cautious use of the title. Mr. Round stated that the lady had not ventured to assume the title in legal documents, which might, 'even in Scotland,' have been invalidated by her use of a style to which she was not entitled. I produced evidence (pages 57, 58 and 59) that she did style herself a peeress in legal documents.

Mr. Round asserted, in addition, that the lady reverted three times to her designation of Mrs. Jean. But on investigation I found that on each occasion when she did so her conduct was explainable as due to a formality of her lawyers, which did not involve her or their apprehension of the bench, and that on the one occasion, when that explanation was inapplicable, it turns out that she did not revert. Mr. Round replies that I have 'had to admit' that the lady deserted her title on one of these occasions 'as if apprehensive of the scrutiny of the bench.' I leave this to the verdict and sentence of the reader.

The culmination of Mr. Round's proof was the fact that finally Jean was no longer able to keep up the masquerade of

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bearing a title of peerage, and that in her last will she deserted it. I showed that she died intestate and that all that was proved was that Mr. Round did not know the meaning of a *testament dative*.

I may here cite with regard to the case of Jean, what Mr. Maitland Thomson, whose opinion on such a subject carries more weight than any other's, does me the honour to pronounce on my whole proof of the conduct of the family, 'that the accusation 'of *mala fides* founded upon the recorded actions of the early 'holders of the title, is here thoroughly investigated, and tri- 'umphantly refuted.' (S.H.R. iii. 106.)

Passing by Sir William Cunningham for a moment, who succeeded Jean, I come to : *Isobell, Lady Ruthven*. In her case also, the evidence of consistency appeared to me to be satisfactory. But, says Mr. Round, 'I alleged that more than three years 'after assuming the title she gave up, under the humble name 'of Mrs. Isobell Ruthven, the additional inventory of her Aunt. 'Is this the fact or not ?'

The document referred to by Mr. Round is now printed in the Appendix to my pamphlet (p. 77). Mr. Round had professed to quote it. Isobell, he said, had styled herself Mrs. Isobell Ruthven, and her aunt 'ambiguously' as 'Lady Jean Ruthven,' or as plain 'Jean Ruthven.' I took the trouble to examine the document, and discovered that Mr. Round had misquoted it essentially. It had styled Jean throughout as Jean, Lady Ruthven. It was thus an assertion, not a denial of the peerage. How, then, was Isobel 'Mrs. Isobell' ? The question seemed to be reasonably answered only in the manner which has already suggested itself to me in the case of Jean. To all this the question just quoted is Mr. Round's sole reply.

Mr. Round alleged that Isobell had vacillated in her assumption so far that, as once she styled her aunt Jean, Lady Jean Ruthven, she styled herself in her own will in the same 'ambiguous' way. I proved that she did neither, and also, that she made no will.

I observe that Mr. Round criticises my statement of sundry dates of documents cited by me in this branch of my proof by adding a laconic 'sic' to his restatement of them as follows : '4th Jan. 1703 (sic)', '26th Jan. 1712 (sic).' What is the ground of this criticism ? The dates are accurate copies of the originals in each case. Is it possible that Mr. Round means that the dates are incompletely, though not wrongly, stated, that he is

left in ignorance of whether they should be, in the first instance, 1702-3 or 1703-4, and, in the second instance, 1711-12 or 1712-13! For I notice that both dates are between 1st January and 25th March of these years. Mr. Round perhaps is not aware that though this double enumeration was required in England till the year 1751, it had been abolished in Scotland by the year 1600. A very slight acquaintance with Scottish documents of the seventeenth and eighteenth centuries would have brought this to his knowledge.

*Sir William Cunynghame.* The questions which arise over the case of Sir William Cunynghame are somewhat different from those concerning the other heirs of the Ruthvens. He was nephew, through his mother, to David and Jean, and succeeded Jean in the lands under the entail.

His first step, or that of his lawyers, was naturally to obtain control of his aunt's moveable estate, and he was forthwith appointed her *executor dative*. But he survived her only six months, and died without being served heir either to her or to David, without being seized in the estates, and without having taken up the title.

Mr. Round had only two 'proofs' that Sir William believed that the title did not descend to him.

(1) The terms of his appointment as *executor dative* to Jean. In this appointment Jean was undoubtedly not accorded her title of peerage, and Sir William did not take it. But Mr. Round's argument that the document is therefore a denial of the survival of the honour is deprived of all force, from the circumstance that if Jean is not styled a peeress, Sir William is not styled a baronet. The document proves nothing or it proves too much. If Sir William did not deny his baronetcy he denied nothing.

Mr. Round has no reply? He simply repeats that Sir William 'made no attempt to assume the title' and that, 'to this we may now add that he gave up his aunt's testament dative as that, not of Jean Lady Ruthven,' but of 'Mrs. Jean Ruthven.'

Here again Mr. Round, as is so usual with him, ignores the existence of an argument, and restates his misleading or controverted statement as if it had been admitted or corroborated.<sup>1</sup>

<sup>1</sup> Before passing to Mr. Round's next point, I may observe that Mr. Round affects to quote a passage of mine (from my p. 63), and that, as he has done repeatedly in making quotations, he has omitted an essential part of that passage, and has misrepresented my meaning.

(2) 'Sir William retained his baronetcy title in his own will.' I suggested that he might have said *reverted*, but Mr. Round has not responded, which is as well, as Sir William neither retained nor reverted, for, as I had to point out, this will was our old friend the 'testament dative,' Sir William died intestate, and his designation was the work of his cousin and successor, Isobell, or her agents. I confess, however, that I did not see the full interest of the fact, that at the last, so far as we know, Sir William dropped his baronetcy title, as, naturally, I had not seen Mr. Maitland Thomson's interesting speculation that it marked an intention to assume the peerage.

It seemed incredible that at this date any one should be left who does not know that even if Sir William had left the peerage dormant for the term of a long life, the fact would not have impeached his right. In the circumstances, however, I instanced the much stronger case of the lordship of Somerville, which, as every one knows, was dormant for a hundred years. Surely, exclaims Mr. Round, Mr. Stevenson 'cannot be ignorant that the failure to assume that title was due to a doubt whether it should descend to the heir male or the heirs of line, and that when this doubt was removed by a single person becoming heir in both capacities, he successfully claimed the peerage.' A 'doubt,' when there was an heir male of the body, and no known limitation of the title! I am glad to hear it!

But Mr. Round, I am sorry to say, is again quite wrong on the facts. The two lines of the Somervilles united in the person of the great-grandfather of the claimant. For four generations thereafter the line possessing the rights of heir male and heir general abstained from asserting them. Poverty has hitherto been accepted as the reason why the Somervilles allowed their pretensions to sleep.<sup>1</sup>

James Lord Ruthven, son and heir of Isobell. I found that my theory of the practice regarding delay in the adoption of the peerage style is borne out by the case of James, the next peer after Isobel. He is styled James Ruthven of Ruthven as executor of his mother, 'Isobell Lady Ruthven,' and in his service to David his grand uncle, in which service his mother Isobell, and his grand aunt Jean, were styled Isobell Lady Ruthven and Jean Lady Ruthven. Mr. Round's answer to that is that he 'may repeat' from his original article that James gave up his aunt's 'testament dative,' and was also served heir

<sup>1</sup> Maidment, *Peerage Claims*, 92.

to his uncle, David, as 'James Ruthven of Ruthven.' He dilates on the fact that the jury served James as a plain commoner, but he is silent as to the fact that the jury by the same act served this commoner as son and heir of a peeress.

James succeeded in 1732. 'It was not till late in the following year,' says Mr. Round, 'that we find him styling himself (in a private deed) James Lord Ruthven.' I showed that he had already made the most public demonstration then possible to him of his pretensions, by voting at the first election of Peers that had taken place since his succession. I am glad to find that Mr. Maitland Thomson agrees with my conclusion on the conduct of this member of the family also, and that the charge of *mala fides* against him is groundless. (S.H.R. iii. 106.)

To print the names of the jury that served James Ruthven of Ruthven as heir-in-special to his grand-uncle David, and styled his mother and his grand-aunt Jean as peeresses, is, as I meant it, a complete refutation of Mr. Round's attempted argument that, as some services have been found to have proceeded on false premises, this service of James Ruthven is to be disregarded. There have been bad judgments of the Court of King's Bench, and we have all read of 'bad Ellenborough law' as well as good. What then?<sup>1</sup>

Mr. Maitland Thomson, in his review of my pamphlet, indicated his view that the belief probably entertained by the Ruthven family regarding their peerage right was that it was destined to the heirs of entail. That there is much to be said for that view is already obvious, and, were Mr. Thomson to enter into a further analysis of the facts, I have no doubt that more reason for it would appear. In spite of what Riddell may have said, and Mr. Round may have believed, there is, of course, nothing in law to render Mr. Thomson's theory impossible.

As I stated, however, at the opening and close of my pamphlet, the task of shewing what the terms of the unknown patent actually were was no part of my undertaking in that particular controversy. Mr. Round appears to think that he is entitled to call for a statement from the 'champions' of the peerage. I, personally, do not think that he is. If he has

<sup>1</sup> Services of the 18th century have been received by the House of Lords, as in the Airth peerage proceedings, 1871, as evidence of considerable weight.

assumed the role of assailant, and failed to produce a *prima facie* case, what concern to him is the nature of the peerage? As for myself, a mere critic of Mr. Round's success in making out his case, I am not required to have any theories about the peerage. All I say is that it has once lived, and that it has not been shewn to be dead.

What use would Mr. Round make of a theory if an 'apologist' of the assumption of the peerage presented him with one? Mr. Maitland Thomson, an entirely independent critic, not addressing Mr. Round in particular, advanced one theory. What use does Mr. Round make of it? He immediately tramples it under feet and turns to rend Mr. Thomson with a fallacy. This is a characteristic specimen of the method of the vicious circle, and it is not good manners.

At the close of my pamphlet I expressed my conclusion, in terms which need not be repeated here, that Mr. Round had entirely failed to prove his case. At the close of his Reply to that pamphlet I find my conclusion only strengthened. Mr. Round has now admitted such important facts to be fictions, has abandoned so much of his argument, to say nothing of the whole of his authorities for the actual limitation of the patent, that even if he had succeeded in doing away with the weighty authority of the Official Rolls which are against him, he would have had nothing to found his case upon. By dint of an oblivion both of facts and of logic, Mr. Round accomplishes the figures of a series of successful arguments on selected points; but he has not rehabilitated the case with which he set out, which was to prove that the peerage was not destined to the present line.<sup>1</sup>

J. H. STEVENSON.

<sup>1</sup> I have noticed that parts of Mr. Round's argument are eiked out by the indications which he sees of my 'annoyance,' 'wrath,' and even 'wild indignation,' etc., etc., at his insistences. To these elements of his Reply I pay no attention, as the indications which he so frequently sees may be purely subjective. For I observe that Mr. Maitland Thomson, speaking of the same treatise in which Mr. Round finds such various emotions, announces that 'Mr. Stevenson not only supplies a necessary corrective to his predecessors; his work is distinctly more judicial than theirs' (S.H.R. iii. 105). So much do things go by comparatives.

## Reviews of Books

THE LIFE OF JAMES ANTHONY FROUDE. By Herbert Paul. Pp. ix, 454. Demy 8vo. London: Pitman, 1905. 16s. nett.

AT the death of Mr. Froude in 1894 it was announced that he had given injunctions that his personal papers should be destroyed and that no authorised biography of him should be written. Mr. Paul's book, therefore, is not based on original documents, nor does it contain any revelations fitted to agitate the world as did Froude's own memorable *Life of Carlyle*. But, if not an 'authorised' biography such as Froude prohibited, Mr. Paul's book has at least been written from trustworthy sources so far as they were accessible; the accuracy of his narrative is guaranteed by the best authority; and he gives a few unpublished letters which, if not of a sensational character, have the interest of most things that came from Froude's hand. The result is a book eminently readable, at once from the interest of its subject and from Mr. Paul's own manner of treatment. It is a book, moreover, which Froude himself would have approved—approved both for its sympathetic appreciation of his own character and work and for the style in which it is written. Mr. Paul is always lucid, always trenchant, and as uncompromising in the expression of his opinions as Froude himself in his most militant humour.

The biographical portion of Mr. Paul's book which will be read with the greatest interest is his account of Froude's boyhood and of his early surroundings. From Canon Mozley's *Reminiscences* it appeared that Froude's early years were unhappy, but Mr. Paul has added further details that tell a tale of harshness and petty tyranny which should not be forgotten in any estimate of Froude in his later years. His father, Archdeacon Froude, never understood him, and persisted in regarding him as a discredit to the family till the opinion of the world partly convinced him that he was mistaken. But it was from his elder brother, Hurrell, subsequently the ally of Newman in his attempt to de-Protestantise the Church of England, that Anthony had most to endure. Mr. Paul thus describes the means which Hurrell took to educate his younger brother. 'Conceiving that the child wanted spirit, Hurrell once took him by the heels, and stirred with his head the mud at the bottom of a stream. Another time he threw him into deep water out of a boat to make him manly' (p. 8). Sent to Westminster at the age of twelve, Anthony found himself even more unhappy than at home—bullied by the boys, censured by the master, ill-fed, and in bad health besides. Recalled from this 'den of horrors,' as Mr. Paul in his

emphatic way describes the historic school, the boy returned to a home that was little of a home to him. That he was there at all was considered a disgrace to the family, and he was even accused of having pawned his books and clothes which had really been filched by his schoolmates. Such was the uncongenial atmosphere in which Froude spent his early years, and, though Mr. Paul does not make the inference, these years must partly explain that undertone of bitterness and cynicism which is seldom absent from anything that Froude wrote.

The least satisfactory portions of Mr. Paul's biography are those which deal with those critical years in Froude's career when for a time he came under the spell of Newman, then broke with him, and finally learned from Carlyle the gospel that was to serve him to the end of his life. It is during these years that Froude's essential characteristics are most fully revealed, and, with the materials at his disposal, we feel that Mr. Paul might have probed more deeply than he has done. To what extent was Froude really under the influence of Newman during his brief association with him? According to Froude's own testimony in his later years his attitude towards Newman was always more or less critical, but, on the other hand, in his contributions to the *Lives of the Saints* he shows a sympathy with the spirit and aims of the Tractarian movement which must have been entirely to Newman's satisfaction. Nor does Mr. Paul sufficiently emphasise the period of moral collapse which followed Froude's break with Newman—his break, indeed, with historic Christianity. To this period belong Froude's tales—*Shadows of the Clouds* and the *Nemesis of Faith*, productions written in a time of mental and moral strain, but which reveal the permanent strata of the writer's nature. Nor, again, does Mr. Paul bring out with adequate fulness the debt which Froude owed to Carlyle—a debt which Froude himself ungrudgingly acknowledged at every period of his later life. There is, indeed, hardly another instance in literary history of a writer of Froude's force so completely enduing himself in another man's garments. The governing ideas that henceforth determined his life and achievement were all those of Carlyle, set forth in very different language from that of his oracle, but with a force of conviction that gave them an individual stamp.

The longest chapter in Mr. Paul's book is that devoted to the defence of Froude against Freeman—perhaps a work of supererogation at this time of day. The persecution of Freeman was a painful experience in Froude's life and is an unhappy chapter in literary history, but the respective merits of assailant and victim have been judged by the world, and it is perhaps as well that the feud should be forgotten. What Mr. Paul makes unhappily too plain is that the persistent and petty attacks of Freeman were not so much inspired by any disinterested love of truth as by a blind fury of personal dislike that almost justifies Matthew Arnold's description of him as a 'grotesque and ferocious pedant.' In Mr. Paul's own opinion the 'besetting sin' of Froude was 'love of paradox' (p. 75), but it is perhaps nearer the truth to say that love of effect accounts for most of the shortcomings with which he has been charged. Whether he is stating opinions or facts, we feel that the note is constantly strained: the Regent Moray is

'stainless,' Queen Mary is a pantheress, and so with all the characters he likes or dislikes—Henry VIII., Thomas Cromwell, Julius Caesar, Carlyle, whose natural traits he exaggerates beyond recognition. But the general tone of Mr. Paul is not that of carping or even of friendly criticism: his admiration of Froude's merits as a writer is so great, he personally owes to him so large a debt of pleasure, that, as a genuine lover of literature, he deems it ungrateful to insist on the shortcomings of one who has given the world so much that is a permanent source of enjoyment. And with his general estimate comparatively few will be disposed to disagree, for only blind prejudice could gainsay that Froude wrote history as few have written it, and that his abiding purpose was to say the truth as it had been delivered to him.

P. HUME BROWN.

THE SCOTTISH PARLIAMENT: ITS CONSTITUTION AND PROCEDURE, 1603-1707; WITH AN APPENDIX OF DOCUMENTS. By Charles Sanford Terry, M.A., Burnett-Fletcher Professor of History in the University of Aberdeen. Pp. x, 228. Demy 8vo. Glasgow: James MacLehose & Sons. 1905. 10s. nett.

MR. TERRY's industry is unflagging and most commendable: it seems only the other day that his *Life of Claverhouse* was noticed in these pages, and now we have another volume from his pen which forms an important contribution to the constitutional history of Scotland. No previous writer has attempted to deal with the development and functions of the Scottish Parliament in anything like detail, though we must not forget the chapter which Cosmo Innes wrote, with his usual charm of style, in his book on legal antiquities. He, however, attempted to sketch the history of the Parliament from the earliest times: Mr. Terry confines himself to the century before the Union. And indeed before the year in which James succeeded to the English throne there is little to tell in the way either of Parliamentary constitution or procedure. The right of representation enjoyed by both counties and burghs was looked upon more as a burden than a privilege: many of them did not take the trouble to send a representative at all, and the members who were returned found that their duty practically consisted in attending the opening of Parliament, electing a committee called the Lords of the Articles, or in many cases accepting the nominees of the Crown for that committee, and after a more or less lengthy interval attending the closing of Parliament and ratifying what had been decided upon by the committee. But for by far the greater part of its existence there was no debating, no interchange of opinions between the members. And this state of matters was not in the least considered a grievance: it was, on the contrary, accepted with placid acquiescence and looked upon as the most natural and comfortable way of doing business.

It was not till well on in the seventeenth century that this system received a check. In 1640 an Act was passed which abolished the Lords of the Articles as a standing legislative committee, and enabled

committees of the House to be appointed which had no power to initiate legislation, but were charged solely with the duty of considering specific matters remitted to them. This alteration was due not so much, as the author points out, to any general development of constitutional ideals as to the fact that the clergy were no longer one of the Estates of Parliament. The custom which had obtained for a considerable period before 1640 was for the nobility to elect the clerical members of the Committee for the Articles and for the clergy to elect the peerage members, and both these estates elected conjointly the representatives of the shires and burghs. In 1639 it was known that the Crown intended to step in in place of the clergy, but this raised protests from all the other estates, and the ultimate issue was the passing of the Act of 1640, which provided that it should be competent for future Parliaments to choose or not to choose Committees for Articles as they might think expedient. Practically, it abolished the Committee of the Articles and substituted in its place small committees which had only to consider questions specially remitted to them by the House itself. No more drastic innovation on the procedure of Parliament had ever been produced, and while it lasted the Legislature was never freer in the exercise of its duties. Unfortunately it did not last, and at the Restoration the 'Articles' were again re-established and the clergy and nobility, through their representatives whom they had mutually elected, nominated the sixteen barons and burgesses who were to serve on the committee. This was a step backward, and it was not till 1689, after the Revolution Settlement, that the Articles disappeared for ever and committees were elected by the votes of the whole House, while officers of State, while they might attend the meetings of the committees, had no voting power in them.

We have mentioned the Committee for the Articles somewhat in detail because in reality its rise and progress, decline and fall, make up a large part of the history of the Scots Parliament. Freed from its incubus, Professor Terry shows that Parliament advanced rapidly in the direction of constitutional power and development of debate. He is of opinion that by the time it came to an end at the Union it had brought itself to a reasonable level of procedure with the English Parliament of the day, but points out the fact that it did not secure for itself the respect, popularity, and authority of its English contemporary. This arose from the fact that the abiding interests of the Scottish nation were non-secular, and that it was to the General Assembly of the Church, rather than to Parliament, that it looked for light and leading. It is a pity that for so long circumstances prevented its development as a truly representative assembly, and that just when it was beginning to show signs of becoming a potent factor in the evolution of the country the 'end of an auld sang' came, and it ceased to exist.

Professor Terry has written a sound and scholarly work which should be a valuable mine of information to students of Scottish history.

J. BALFOUR PAUL.

A HISTORY OF ENGLAND IN SIX VOLUMES : General Editor, C. W. C. Oman, M.A. Vol. IV. ENGLAND UNDER THE TUDORS. By Arthur D. Innes, sometime Scholar of Oriel College, Oxford. With Maps and Appendices. Pages xx, 482. Demy 8vo. London : Methuen & Co. 1905. 10s. 6d. nett.

HENRY VIII. By A. F. Pollard, M.A., Professor of Constitutional History at University College, London. New Edition, with Portrait. Pages xii, 470. Cr. 8vo. London : Longmans, Green & Co. 1905. 8s. 6d. nett.

IT cannot be questioned that the period of the Tudor sovereigns is maintaining a pre-eminence as the favourite period of English history if we judge of the demand from the quantity of the supply. This may be considered a blessing or the reverse, according to the temper of the reader. If much attention is devoted to the Tudors, the cause may be to some extent ascribed to the vast mass of new material that has been brought within reach of students in recent years. As there is no finality in history, every fresh accession of evidence necessitates a revision of the old verdicts. The process of our enlightenment is going on perhaps with more activity in relation to the sixteenth century than to any other period of equal length in our national history. The labours of the scholars working under the direction of the Master of the Rolls have achieved enormous results in the Calendars of State Papers at home and abroad. This work has been supplemented by the publications of the Historical Manuscripts Commission, the Camden and kindred Societies. Mr. Pollard bemoans the wealth of documentary evidence available for the reign of Henry VIII., and in a lesser degree the same feeling might be entertained for the reigns of the rest of the Tudor sovereigns. The series of Letters and Papers of Henry VIII. previous to 1544 comprises a summary of thirty or forty thousand documents in twenty thousand closely printed pages, which, when taken with the materials gathered from other sources, places at the disposal of students at least a million definite facts about a period of some thirty-five years. It is useless for Midas to quarrel with a situation of his own creation : the gods themselves cannot take back their gifts. There is little doubt that Mr. Innes has hit upon the true explanation of this superabundance of material. The Tudors were the instruments of gigantic revolutions : the dynasty covered a period of unprecedented intellectual activity and great national development. It was inevitable that a period of this kind, coming so near our own, should have produced a wealth of documentary history, and fortunate it is for us that so much of it has been preserved. It is the glory as it is the danger of the modern student to assimilate this wealth and reproduce it in a well-ordered and intelligible narrative.

A new edition of *Henry VIII.* in cheap and handy form could not have been long delayed. The sumptuous monographs of the English Historical Series, published with illustrations by Messrs. Goupil & Co. during the past dozen years, are within reach only of the few persons with ample means. In the present enlarged re-issue of the letterpress,

it may be anticipated that the volume by Mr. Pollard will attain a wider circulation and a not less intelligent appreciation. Few sovereigns have attracted more attention than the 'majestic lord who broke the bonds of Rome.' It is notoriously difficult to hold an even balance between rival estimates of his person and policy, like those, for instance, of Nicholas Sander on the one side and Froude on the other, but no reader of *Henry VIII.* can justly accuse its author of ecclesiastical bias. Nor does he claim to have said the last word on the subject of his memoir. 'Dogmatism,' he tells us, 'is merely the result of ignorance: and no honest historian will pretend to have mastered all the facts, accurately weighed all the evidence, or pronounced a final judgment,' a due appreciation of the difficulties which beset a delineation of the life and character of an exceptional personage playing a large part on the world's stage.

The task of Mr. Innes was more concerned with writing the history of a period than with the illustration of a character. It is not many weeks since we pointed out the excellence of one of the volumes of *A History of England*, edited by Professor Oman, and the volume now before us forms the fourth in the series of six. Mr. Innes possesses the same masterly grasp of the evidences, the same critical ability, and the same independence of judgment manifest on almost every page of the previous volume. In some episodes of his narrative he has perhaps laid himself open to objection from an indifference to detail and from a little too much self-confidence about his knowledge of the facts. He is quite certain, for example, that 'the English victory' at Flodden 'was not one of the bow, as so often before, but of the bill or axe against the spears in which the northern nation trusted.' The poet Skelton was much nearer the truth when he ascribed the cutting of 'the flowers of the forest' to an effective combination of both weapons. Nor is he clear about his topography of the fight in 1542, commonly called the Battle of Solway Moss. The contest was decided on the plain south of Esk, in the region of what is now the village of Longtown, a land which was never debatable. The swollen river was the first obstacle encountered by the fugitives, the salmon pools of which claimed a tithe of routed Scots. The morass between Esk and Sark, to which the Ordnance Survey gives the name of Solway Moss, and which it makes the scene of the battle, was only the trap into which the flying squadrons had fallen. On the other hand, Mr. Innes has doubts whether the comperts of the visitors of the monasteries in 1536-7 were laid before Parliament. All that may be said in this connexion is that if a perusal of the Act of Suppression does not convince him, without the help of the other evidence, his scruples are somewhat difficult to overcome.

The volume is furnished with a short pedigree of the descendants of Edward III., some appendices on contemporary rulers, genealogies of Lennox Stewarts, Howards, Boleyns, the houses of Habsburg, Valois, Bourbon, Guise, the claimants to the English throne, and a bibliography of authorities ancient and modern. The maps are valuable, one of which is a pen sketch of the campaign of Flodden, showing the circuitous route

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taken by the Earl of Surrey. The aim of the whole work has been well maintained by Mr. Innes in the period allotted to him, for he has produced a text-book of a high order—scholarly, attractive, complete, and useful.

JAMES WILSON.

**SCOTLAND AND THE UNION.** A History of Scotland from 1695 to 1747. By William Law Mathieson. Pp. xiii, 387. Demy 8vo. Glasgow : James MacLehose & Sons, 1905. 10s. 6d. nett.

THREE years ago Mr. Mathieson set himself at a bound among the foremost of modern historians of Scotland upon the publication of his *Politics and Religion in Scotland from 1550 to 1695*. The present work is a continuation 'on a broader and more comprehensive plan' of its predecessor, and aims at providing 'a history of Scotland during the period.' Dealing with the period, 'which may be distinguished as that of the origin, the accomplishment, and the consolidation of the Union,' Mr. Mathieson, under his more comprehensive plan, has been compelled to follow in considerable detail the history of an episode which has been treated exhaustively elsewhere, and must inevitably be dealt with again in the forthcoming volumes of Dr. Hume Brown and Mr. Lang's *Histories*. What one valued in Mr. Mathieson's earlier work was the fact that it was an exegesis rather than a narrative, a most illuminating expounding of familiar facts from a fresh and detached point of view. By 'broadening' his narrative, and by making it 'more comprehensive,' does he not fail to fill his own distinctive niche?

But, apart from the question of treatment, Mr. Mathieson's new volume will certainly sustain his already high reputation. Of particular interest and value is his handling of the ecclesiastical and economic aspects of the period, and his Introduction—a broad treatment of the ecclesiastical developments of the seventeenth century—is a very model of conciseness, suggestive and illuminating. Nowhere else, in similar compass, will the student find a better and clearer guide to the intricacies of an intricate period. Mr. Mathieson's announced intention to deal with the social changes, the literature, and the philosophy of the period 1695 to 1747 in another volume will be welcomed by everyone who has the interests of Scottish History at heart.

C. SANFORD TERRY.

**LECTURES ON EARLY ENGLISH HISTORY.** By William Stubbs, D.D., edited by Arthur Hassall, M.A. Pp. vi, 391. Demy 8vo. London : Longmans, 1906. 12s. 6d. nett.

**THE POLITICAL HISTORY OF ENGLAND FROM THE EARLIEST TIMES TO THE NORMAN CONQUEST.** By Thomas Hodgkin, Litt.D. Vol. I. Pp. xxi, 528. Demy 8vo. London : Longmans, Green & Co. 1906. 7s. 6d. nett.

THESE two volumes, published almost simultaneously and both treating of the formative periods of English history, suggest interesting points of comparison and contrast. Any book that bears the name of Bishop Stubbs is certain of a hearty welcome and a careful hearing. When the greatest

English historian of last century accepted the see of Chester in 1884, his historical labours were practically at an end ; but Mr. Hassall, since the bishop's death, has been a diligent gleaner among the drafts of his lectures and other unpublished papers. Acting scrupulously on the motto that 'the king's chaff is as good as other people's corn,' Mr. Hassall has here published, apparently word for word, without addition, comment, or reservation, a somewhat heterogeneous collection of those lectures with which Dr. Stubbs instructed a bygone generation of students, admirably suited alike in style and substance to the time and purpose for which they were delivered, but obviously never intended for publication in their present form, and superseded to a great extent by the researches of the last twenty or thirty years.

The public is thus introduced, unannounced as it were, to an amiable and chatty Regius Professor, lecturing in the privacy of his own classroom, untroubled by suspicion of the prying eyes of a remote posterity, explaining at the commencement of his course that he does not 'feel convivial, or at home, and certainly not majestic' (p. 40), and later on regretting that 'both the class and the subject are becoming very much attenuated' (p. 175). The picture is an entirely pleasant one ; yet probably the most enthusiastic of Bishop Stubbs' hero-worshippers would not have seriously blamed Mr. Hassall for omitting utterances of such purely temporary interest.

The title 'Early English History' is hardly applicable to the last half of the volume, which is devoted to the comparative constitutional history of medieval Europe, and founded, to a great extent, on the researches of Hallam. Teachers of history will read with interest the lectures numbered III. to VIII., containing a free-and-easy commentary on some of the leading documents of the *Select Charters*. Younger students, however, must exercise great care in their perusal, since many of the positions still tenable in 1880-4 (presumably the date of these lectures) have now been completely overturned, while no word of warning has been vouchsafed by the editor in places where supplement is needed, beyond the addition at the close of each essay of the names of a few of the more important among recent authorities. The reader will accordingly find here many obsolete theories which Bishop Stubbs assuredly would never willingly have published at the present day : the exploded theories of the 'mark' and 'folcland' (discarded, not without some apparent reluctance, in the later editions of the *Constitutional History*) here appear in their crudest forms (pp. 6, 7, and 311) ; 'borough English' is connected with burgage tenure (pp. 26-7) ; the Conqueror is credited with a revenue of £1060 a day (p. 29) ; the husting of London forms 'the collective court of the citizens' (p. 127) ; Henry II. confirms his grandfather's concessions to the city of London (p. 128) ; Magna Carta is 'signed' not sealed by John (p. 345), and is made to enshrine trial by jury (p. 342). It is notable, by the way, that these lectures, like the *Constitutional History* itself, while deriving copious illustrations from almost every country on the continent of Europe, show practically no interest in the peculiarities of the Scottish constitution.

While everything that Bishop Stubbs has written commands the respectful attention of scholars, little of importance would have been lost if Mr. Hassall had interpreted his editorial duties more liberally, and used the pruning hook more freely. The lectures add little to those views of early England with which Dr. Stubbs' great *Constitutional History* has familiarised us. What the present generation of students urgently require is a new edition of that work, supplementing its conclusions in the light of modern research.

In some important respects Dr. Hodgkin's volume supplies, for the early centuries, the supplement that students require. The author is thoroughly conversant with the trend of recent speculations affecting the wide but difficult period of which he treats; and where he refuses to follow blindly the most recent guides, it is clearly not from lack of knowledge. His volume suffers from two defects, for which he is not responsible: the decision of the editors of the series of 'Political Histories' to which this volume belongs has forbidden the addition of foot-notes in which authorities might be cited; while a somewhat arbitrary restriction is imposed by the title of the series. The scope of 'political history,' indeed, is not defined by the editors; but, from internal evidence contained in this volume and its companions, it would appear that 'political' history is more concerned with military and international affairs than with methods of government or the growth of institutions—a strange use of the word 'politics,' when it is realised how inseparably political science and constitutional theory are related.

The particular task allotted to Dr. Hodgkin by the editors was a difficult one, demanding perhaps a more nicely balanced judgment and a more varied equipment than any one of its eleven companion volumes; and Dr. Hodgkin seems to us to have amply justified his selection. He has produced a readable and scholarly book, well fitted to maintain the high standard set in the volumes that have preceded it. Many and varied were the vicissitudes through which our island passed between that early morning of August 27, B.C. 55, when Caesar's soldiers first caught sight of the white cliffs of Kent, until the fatal day of October, 1066, when William of Normandy planted his standard on the spot from which Harold's banner had fallen. The materials at the disposal of the historian of the intervening centuries, broken and tantalising as they often are, are yet almost as varied as the events to which they relate. Sound judgment in selecting and rejecting is here urgently required, along with a due sense of proportion and a stern will to suppress whatever is not essential to the main thread of the story. No little skill is required to weave the miscellaneous materials thus selected into a coherent, lucid, and interesting whole. Dr. Hodgkin has shown himself possessed of the necessary qualifications, and has produced a work distinguished by breadth of outlook and by a keen appreciation of all matters of human interest lurking in the most unpromising of historical documents. The search for modern instances, indeed, has sometimes been carried almost to excess: Aidan is compared with Francis of Assisi, Wilfrid with Loyola, while Columba is 'the John Wesley of the 6th century,' and Degtastan is 'the Flodden

of the 7th century'; a Killiecrankie of the 8th century is referred to, while Nansens, Franklins, Talleyrands and Sunderlands are discovered in abundance in the 9th; the fall of the Roman city of Camulodunum is a reminder of the Indian Mutiny, and the arrow-flights at Hastings, of the deadly musketry of the Boers at Majuba Hill. A characteristic note of moderation, however, runs through the book; the author identifies himself neither with the extreme partisans of the theory of Teutonic origins, nor with those who postulate the continuing influence of Roman civilisation. The same quality is shown in the treatment of such thorny problems as the functions of the Witan, which, as he cleverly and rightly tells us, 'are better learned by watching the course of national history than from any attempt to frame a definition of that which was essentially vague, fluctuating, and incoherent' (p. 232). The passages dealing with the early relations of Scotland and England are equally fair-minded. The arguments on both sides are clearly stated; but Dr. Hodgkin makes no reference to a conscientious monograph which deserves to be better known in this country, namely, *Feudal Relations between the Kings of England and Scotland*, by Mr. C. T. Wyckoff, a writer who, from his American nationality, is better fitted than either Englishman or Scotsman to act as an impartial judge. Scholars need not expect to find in this volume any new sources of historical information, or to derive from it any specially original theories; but they will be rewarded for the pleasant labour of perusal by a fresh and well-proportioned presentation of an intricate period of history, and they can hardly fail to profit from a new survey of familiar ground under the guidance of so cultured and interesting a companion.

The general reader will find here exactly what he wants—the story of eleven momentous centuries told in vigorous and straightforward English, embodied in a narrative which is always readable, and never overburdened with unnecessary details.

W.M. S. McKECHNIE.

THE POLITICAL HISTORY OF ENGLAND FROM THE ACCESSION OF GEORGE III. TO THE CLOSE OF Pitt's FIRST ADMINISTRATION (1760-1801). By William Hunt, M.A., D.Litt., President of the Royal Historical Society. Vol. X. Pp. xviii, 495. Demy 8vo. London: Longmans, Green & Co. 1905. 7s. 6d. nett.

THIS volume is number ten of a series of twelve in which the political history of England will be dealt with. The prefatory notice states 'that as the life of the nation is complex and its condition at any time cannot be understood without taking into account the various forces acting upon it, notices of religious matters and of intellectual, social and economic progress' will also be dealt with by the writers. The volume which we are considering makes its appearance not inappropriately just 100 years after the death of Pitt, and it deals with a period covering some forty-one years of that life which ended only too soon at the early age of forty-seven. Few periods in the history of any country can equal in importance this stimulating era. And when the vast changes which it had in store for England, as dealt with by Dr. Hunt, are adequately

considered, one feels indeed that the times were spacious, and that England, exposed to the most critical influences both at home and abroad, emerged after what Lord Rosebery has called the 'convulsion of a new birth' into what may truly be termed modern times. The vital changes which were wrought in those forty years affected the country internally as well as in her status as an international power, and no less in relation to her colonial possessions. Internally they included the growth of the privileges of parliament, the rise of the Cabinet, 'a government within a government'; the decay of the personal power of the sovereign, or, as Dr. Hunt calls it, 'The King's Rule,' in affairs of government; the enormous increase of trade and manufactures, the dawn of labour combinations, the union by act of Parliament of Great Britain and Ireland, and the publication of Adam Smith's *Wealth of Nations*. Abroad England was called upon to deal with the problem of taxation in her American colonies, their subsequent revolt and final separation, with the affairs of the East India Company and the growth of Parliamentary interference therewith. Added to all this there was the unrest and reaction of the French Revolution and the struggle with France on sea and land—a great age, truly, abounding in great names. Pitt follows Chatham, Rodney and Wolfe give way to Nelson and Wellington, and as Thackeray puts it in his lectures on *The Four Georges*, 'Napoleon is to be but an episode, and George III. is to be alive through all these varied changes, to accompany his people through all these revolutions of thought, government, society: to survive out of the old world into ours.'

Dr. Hunt deals very clearly with two movements of the first importance which characterise the period we are considering: the one, the personal political predominance of the king, and the other the gradual rise and growth of that interesting constitutional anomaly, namely, the Cabinet. The real balance of power, as he points out, was not to be found in either of the Houses of Parliament, but in the Crown. The Princess Augusta imbued her son with extensive notions of kingly prerogative, and her reiterated advice, 'George, be a king,' was further instilled into his Royal pupil by the Earl of Bute.

The King's personal character, resolution, and capacity for intrigue, it may be safely surmised, enabled him to pursue this line of action with comparatively little serious difficulty until the failures of the American War.

The growth of the Cabinet as a 'homogeneous body collectively responsible to Parliament' is a study of deep interest, and we are indebted to Dr. Hunt for the lucid manner in which he has dealt with this highly important subject. The rise of the Cabinet as we know it to-day can be traced to no alteration of the law, nevertheless its constitutional status is determined beyond all dispute. Dr. Rudolf von Gneist in his *History of the British Parliament* has pointed out that the main reason for its existence is to be found in the necessary unity of action in dealing with the political and commercial relations of the British Empire, which can only be reached by forming the ministerial council from men who were mainly at one as to the principal measures of the government for the time

being and who had secured or were in a position to secure a majority in both Houses in favour of such measures.

Sincere praise is due to Dr. W. Hunt and his colleagues for the decision to treat English history from the point of view of periods chosen with reason and sound judgment, and in the particular instance under review the result is eminently satisfactory. A severe critic might perhaps be forgiven for wishing for a more picturesque presentation so far as style is concerned; but for lucid, accurate, and copious treatment, Dr. Hunt's work is worthy of high praise, and he has made all students of their country's history his grateful and cordial debtors.

PERCY CORDER.

LES PRISONNIERS ÉCOSSAIS DU MONT SAINT MICHEL (EN NORMANDIE)  
AU XVI<sup>e</sup> SIECLE.

UN historien normand, Charles de Bourgueville, qui vivait au seizième siècle, rapporte dans ses *Mémoires* que, vers 1548, 'trois gentilshommes écossais qui avaient tué le Cardinal Daivid, au Château de Saint André en Ecosse, furent enfermés par l'ordre du roi au Mont Saint Michel.' Il raconte que ces Ecossais réussirent à s'évader; qu'une enquête fut ordonnée, qu'elle fut faite par le bailli de Caen et que le capitaine gouverneur du Mont Saint Michel, responsable par sa négligence de cette évasion, fut destitué de sa charge.

Nous savons par les historiens écossais<sup>1</sup> que Norman Lesley, Lord Pittmillie et Lord of Grange furent d'abord convoyés à Cherbourg et, de là, internés au Mont Saint Michel; mais voici la copie authentique, très intéressante, nous semble-t-il pour l'histoire de l'Ecosse, de documents trouvés dans les archives des Tabellions de Cherbourg, année 1547, et qui, incontestablement, s'appliquent bien aux réformateurs écossais:

'Le VII Décembre à Cherbourg, devant Jehan Guiffart et Jehan Le Vallois, tabellions et notaires commis et établis au siège de Cherbourg pour le Roy, furent présents nobles hommes Jehan de Fontaynes, seigneur de la Faye, homme d'armes de la garnison du dict lieu de Cherbourg (suit l'énumération, sans intérêt, de plusieurs hommes d'armes), lesquels nous ont certifié et attesté que le VI<sup>e</sup> jour d'octobre, dernier passé, fut bailli par les Seigneurs Gouverneurs généraux de Rouen et mit en la saisigne et garde de noble homme, Janot de Lasne, lieutenant en la dicte ville et Château de Cherbourg, trois gentilshommes écossais, scavoir: *Nirmont Lessetey*, cappitaine du Château de Saint André, *Millort de Granges* et le Seigneur de *Petit Mel*, suivant le commandement et vouloir du Roy, nostre d. seigneur, dont nous a été requis ce présent certificat pour servir et valloir qu'il appartiendra. Présents pour témoins Thierry de Goberville, escuier et Jullien Fouoche de la Garnison.'

Une annotation sur ce même registre dit: 'Les prisonniers furent envoyés par le Roy au Mont Saint Michel, où ils ont été prisonniers virois des ans. Comme du Mont Saint Michel eschappèrent, dont le capitaine du lieu eut bien affaire.'

<sup>1</sup> *Kirkcaldy of Grange*, by Louis Barbé, pp. 41-42.

Aucun doute n'est donc possible sur l'identité des prisonniers écossais, enfermés au Mont et que ne citait point l'historien de Bourgueville.

Nirmont Lessetay n'est autre que *Norman Lesseley*, Millort de Granges, *Kirkcaldy of Grange* et le Seigneur de Petit Mel *Pitmillie*. Cette altération dans l'orthographe des noms est très fréquente quand il s'agit de transcrire en France des noms propres étrangers.

ETIENNE DUPONT.

SELECT DOCUMENTS ILLUSTRATIVE OF THE HISTORY OF THE FRENCH REVOLUTION. THE CONSTITUENT ASSEMBLY. Edited by L. G. Wickham Legg, M.A., New College. 2 vols. Pp. xxii, 632. Crown 8vo. Oxford : at the Clarendon Press. 1905. 12s. nett.

No better companion to a good secondary history of the first two and a half years of the French Revolution could be put into the hands of a reader than these volumes. Extracts from contemporary documents do not and cannot give an adequate account of any event, but they are invaluable in transporting the reader into the atmosphere of their own day and in representing accurately the phases of popular opinion. It has been Mr. Legg's aim to represent the 'opinion of the ordinary person,' and to this end he has selected his extracts mainly from the most influential contemporary journals. But he has not confined himself to the eight or nine great newspapers of the period, and has chosen many extracts from papers quite unknown to the general reader and not often consulted by the student. In an excellent introduction Mr. Legg gives an account of the journals from which he quotes, indicating their political and historical value.

The two volumes now published cover the period from the opening of the States-General in May, 1789, to the dissolving of the Constituent Assembly on September 30, 1791, and the documents selected divide themselves—although not formally divided—into two classes: one relating to the events and the other to the constitutional changes comprised in that period. It is in respect to these last that Mr. Legg earns the student's deepest gratitude.

The first National or Constituent Assembly had before it one main object, the making of a Constitution for France. By reprinting decrees, resolutions, and the opinions of the press concerning these, Mr. Legg enables the student to follow the progress of this work, and in his connecting paragraphs and notes he gives an immense amount of definite information on exactly those points which a general history is apt to leave obscure or untouched. To this he adds an appendix in which he gives the full text of the Constitution of 1791, and of the decrees most important to the early history of the Revolution; that is, those on the municipal and local administrations, on the civil constitution of the clergy, on the judicial reforms, and on the organisation of the ministry.

A very useful feature of these volumes is the reference to further authorities given in the connecting paragraphs. There are, however, several points on which fuller references might well have been made,

as for example to the documents in the Bibliothèque Carnavalet on the organisation of the National Guard.

Where so much has been given it may seem invidious to complain of Mr. Legg's rejection—from considerations of space—of contemporary pamphlets. But their omission (with two exceptions) leaves unnoticed the political lampoons, and those travesties of the liturgy which represent popular opinion in so piquant a manner; the pamphlets also often give a more graphic account of an incident than do the newspapers. Perhaps in the volumes which will surely follow these, Mr. Legg may see his way to represent these sources of contemporary opinion more fully.

SOPHIA H. MACLEHOSE.

THE PEDIGREE OF HUNTER OF ABBOTSHILL AND BARJARG, AND CADET FAMILIES—HUNTER OF BONNYTOUN AND DOONHOLM, HUNTER-BLAIR OF BLAIRQUHAN, HUNTER OF AUCHTERARDER, HUNTER OF THURSTON. Compiled by Andrew Alexander Hunter. Pp. vii, 47. Demy 4to. With numerous illustrations. London: Elliot Stock. 1905. 30s. nett.

THOUGH in his preface the author handles a long-standing tradition that the families of whom he treats are descended from the family of Hunter of Hunterston, he unfortunately is unable to adduce any evidence to prove this tradition more reliable than others of its kind. The work has been compiled on sound lines, and we note with pleasure the lists of family portraits and of their present owners, as also the plates reproducing many of these portraits representative of each family. Views of mansions of the families are introduced, and there is careful blazonry of their arms. But though the scheme of the work is excellent, the work itself, as a whole, does not meet so well with our approval. The list of authorities which the author cites in his preface is meagre in extreme, and not sufficient to warrant the genealogist to place reliance on his statements without further verification. Particular references are almost entirely ignored. The book is overladen with reproductions of patents and matriculations of arms which, so long as the Lyon register exists, serve no useful purpose. In various passages also, the composition is at fault. With all its shortcomings, however, the book contains a great deal of information about the various families of Hunter, the pedigree charts are carefully executed, and in the text the descents of the families lucidly traced.

ALEXR. O. CURLE.

THE FRONDE (the Stanhope Essay, 1905), by George Stuart Gordon, Oriel College, Oxford. Pp. vi, 67. Cr. 8vo. Oxford: B. H. Blackwell, 1905. 2s. 6d. nett.

THE tragi-comedy of the Fronde, which may be said to be composed of two acts, or four scenes, preceded by the short prologue of the 'Cabale des Importants,' has attracted the pen of many writers, and it needs no little skill to sum up the results of those labours within the compass of sixty odd pages. It must be acknowledged at once that the

skill needed is present in the essay under review. The writer has mastered many authorities, from the contemporary memoirs and documents to the most recent researches, from de Retz to Sainte-Beuve and Cousin, from the Mazarinades to the latest collections of documents. The Fronde, in spite of its riots and civil wars, of its bloodshed and waste of money, was never taken very seriously, even by those who played leading parts in the different scenes ; no crisis in French history has produced such a harvest of songs, of epigrams, of witticisms ; and de Retz in his *Memoirs* set the tone which subsequent writers have thought fit to adopt in narrating the events of those fateful years (1648-1653), during which Parliament, Princes, Minister, fought, imprisoned, banished, and cajoled each other by turns. The essayist has breathed so deeply in that literary atmosphere that in every page of his book one comes across sprightly phrases, well-balanced epigrammatic sentences that bring out in vivid relief a character or an incident. Indeed, were it not for a conscientious use of quotation marks, it would be hard to distinguish between what is old and what is new. The narrative is clear, and the crowded events are easily followed ; yet at times the casual reader will be pulled up by a passing hint or allusion that he may not readily grasp ; but of course the essay was not written for casual readers, and evidently these obscure passages have been appreciated in the proper quarter. The little book is certainly full of promise.

F. J. AMOURS.

A HISTORY OF THE POST-REFORMATION CATHOLIC MISSIONS IN OXFORDSHIRE, WITH AN ACCOUNT OF THE FAMILIES CONNECTED WITH THEM. By Mrs. Bryan Stapleton. Pp. viii, 372. 8vo. Oxford : Henry Frowde. 1906. 10s. 6d. nett.

CAREFUL and loving hands have sought and found details of the lives of all those faithful and tested adherents of the Old Faith who, in Oxfordshire, have kept its vital spark alive in times of trial and indifference. The book has no pretensions to literary merit, but the quaint and often pathetic stories, mostly told in the words of the original records, have a charm of their own. Oxford readers will be interested in the following account of a pathetic incident of the siege of Bletchingdon, the seat of the present Member for the City. Francis Windebank, son of Mr. Secretary Windebank, was in command of the garrison of Bletchingdon House. After many attempts, the Parliamentary forces were enabled at last to cross the Cherwell, and they advanced upon Bletchingdon, calling the governor to surrender, 'who being summoned by the victorious Cromwell, and persuaded by his beautiful young bride and other ladies that came to visit her, surrendered the place, with all the arms and ammunition, for which surrender the hopeful young gentleman, for all the entreaties of his wife and the merit of his father, was shot to death against Merton College wall, to the great regret afterwards of the King when he understood the business, and for which he was highly displeased with Prince Rupert.'

Local interest may be taken in such stories as those of the 'three old cronies of Holywell' related by Hearne. 'Old Mr. Joyner often

desired Mr. Kimber to be his executor, but he declined, though he wished he had, because after his death, when he examined his books, they found money stuck in almost every one of them, in all to the value of three or four hundred pounds, which I take to be the reason why he never would let one see his study.'

The 'Catherine Wheel' in Oxford, once a hostel near St. Mary Magdalene's Church, was a favourite meeting place of Catholics. There one, Thomas Belson of Aston Rowant, arrived to confer with Father Nicol and Father Yaxley. 'Their secret was known, and one midnight they were disturbed by the violent entrance of the University servants and all taken the next morning before the Vice-Chancellor's Court. In reply to the examination they all confessed their faith. With needless barbarity they were taken to London, imprisoned, racked and tortured, and finally sent back to Oxford for execution. The inn servant, Humphrey Prichard, suffered with them, and their heads were set upon the old Castle walls and their quarters over the city gates. The good landlady also suffered for her hospitality to the martyrs; she was condemned to the loss of all her goods and to perpetual imprisonment.' One would like to quote in full the account of the receiving of Dr. Newman into the Old Faith by Father Dominic, and the well known "Little-more," and you will be right.'

The authoress rightly hesitates to claim the poet Milton (who was an Oxfordshire man) as a Roman Catholic, though there seems to be a persistent report of his conversion. The book, though mainly interesting to members of the old religion, is of distinct value to the historical student, and covers ground that has never before been dealt with.

C. C. LYNAM.

ECCLESIOLOGICAL ESSAYS, by J. Wickham Legg. Pp. xi, 275. Med. 8vo. London : A. Moring, Ltd. 1905. 7s. 6d. nett.

THESE Essays form the seventh volume of that most interesting series, *The Library of Liturgiology and Ecclesiology for English Readers*, which is issued under the editorship of the Provost of S. Andrew's Cathedral, Inverness. They have been collected from various publications, and the fact that they are from the pen of Dr. Wickham Legg is in itself a sufficient recommendation. Dr. Legg treats of such subjects as 'Revised and Shortened Services,' 'On Two Unusual Forms of Linen Vestments,' 'On the Three Ways of Canonical Election,' 'Notes on the Marriage Service in the Book of Common Prayer of 1549,' 'The Lambeth Hearing,' etc. The essay on 'A Comparative Study of the Time in the Christian Liturgy at which the Elements are prepared and set on the Holy Table' is a most useful and scholarly compilation. And that upon 'Mediæval Ceremonials' is of exceptional value at the present time. It is no surprise to those who have made any study of this subject to find it stated that 'the character of the Roman rite during the early part of the middle ages was one of extreme simplicity.' Ignorance of the true nature and character of mediæval ceremonies is unfortunately too prevalent. This essay should be of service in dispelling it. These Essays will prove of interest to all who desire that

soberness and sense should regulate the services of the Church, and that if changes must be made, that they be made according to knowledge. It is a matter for congratulation that we should have them in such an accessible and attractive form. The illustrations are excellent and informative, and there is a full index.

W. H. MacLEOD.

**ECCLESIA ANTIQUA : THE STORY OF ST. MICHAEL'S, LINLITHGOW.**  
By the Rev. John Ferguson, Minister of Linlithgow. Pp. xxi, 357.  
Dy. 8vo. Edinburgh : Oliver & Boyd. 1905. 7s. 6d. nett.

ST. MICHAEL'S has had a great history and was the Church of Scottish kings and queens. Through the energy and devotion of the present parish minister, it has been added to the list of restored Scottish temples, and although its beautiful steeple-crown was removed in 1821 'to avoid the danger to the building,' it is a noble church, much admired by all who know it. Mr. Ferguson has done again distinct service to his parish by writing the history of his church, and his book is characterised by exact scholarship, sympathetic study, careful research extended over many years, and by a fine literary style. It reveals an intimate knowledge of the subject, and specially valuable is the appendix information regarding the twenty-five ancient altars, St. Mary's Chapel at the East Port, St. Magdalene's Hospital, the Sang Schule, Carmelite and Augustinian Friaries, as well as the Obits.

St. Michael's illustrates the Middle Pointed or Decorated Period of Scottish Architecture, and MacGibbon and Ross' great book gives an exact and reliable account of its structural features.

Regarding its former collegiate ministry, Mr. Ferguson says: 'We have, in this second charge at Linlithgow, a proof that the clergyman in possession of a teind-stipend, and the clergyman voluntarily supported, had, for centuries before the chapel at Stewarton was built, sat together in the Church Courts, and enjoyed equal rights and privileges: and it might have been better for religion in Scotland to-day if the rights of heritors had been safeguarded otherwise than by deciding that the possession of a legal stipend was necessary to a clergyman's enjoying the full status of a Presbyter.'

Mr. Ferguson's history is worthy of its subject.

D. BUTLER.

**THE ROMANIZATION OF ROMAN BRITAIN.** From the *Proceedings of the British Academy*, Vol. ii. By F. J. Haverfield, Fellow of the Academy. Pp. 33, with 13 illustrations. Imp. 8vo. London : Henry Frowde. 1906. 2s. 6d. nett.

We do not know whether the British Academy produces many papers of quality equal to this. Even if it produces only a few, it will soon justify its existence. The besetting sin of the archaeologist is undoubtedly his inadequate sense of proportion, his tendency to regard all facts as equally important: if he digs up a camp or a barrow, he is prone to bury it again immediately beneath a mountain of detailed description. Mr.

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Haverfield's training as a historian has delivered him from this weakness. There is no lack of facts in what he writes; but every fact is strictly relevant, and is assigned to its proper place with a clearness and decision that make the argument easy to follow. In the present paper he sets himself to enquire: How far was Roman Britain really Romanized, in the sense that, say, Gaul and Spain were Romanized? His answer, based on abundant archaeological evidence, is at variance with the results that have been reached by earlier authorities. He begins by emphasizing the vital distinction between the two halves of the province,—'the one the northern and western uplands occupied only by troops, and the other the eastern and southern lowlands which contained nothing but purely civilian life.' In regard to the former, we know but little about the natives. In regard to the latter, we know a great deal, and we find that, within the region indicated, the average Briton was as completely 'Romanized' as his Gaulish neighbour. He adopted the civilization of his conquerors. Latin was his everyday speech. Even his native art was abandoned, or survived only sporadically as in the potteries on the Nene. Not the least interesting portion of Mr. Haverfield's paper is its conclusion, where he shows how the traces of this Roman period in British history were largely obliterated, not merely by the English invasion, but even more effectually by a Celtic revival which set in about the opening of the fifth century A.D. Altogether, the *brochure* is one to be carefully read, and laid aside for frequent reference.

GEORGE MACDONALD.

HISTORICAL ABERDEEN. By G. M. Fraser, Librarian, Public Library, Aberdeen. Pp. xxviii, 172. 8vo. Aberdeen: Wm. Smith, 1905.

MR. FRASER continues to make admirable use of his leisure and of his position and resources. He had already gratified Aberdonians and others interested in Aberdeen by his account of the Green and its associations. In this volume he gives an excellent account of The Castle and the Castlehill, The Snow Church, The Woolmanhill and Neighbourhood, and The Guestrow. On two disputed points, namely, the original breadth of Broad Street, and the origin of the name Guestrow, we take Mr. Fraser's view. It cannot be proved that the Guestrow and Broad Street ever formed one street, and we are of opinion that the origin of the name Guestrow is to be found not 'in the circumstance that it was here that hostellries or houses of entertainment existed—that it was the Guest Raw—but in the fact that it overlooks the city Churchyard, and was therefore called the Ghaist Row. On the question of etymology we note that Mr. Fraser ignores a derivation suggested to account for the name Mutton Brae. It is true that in the north country *provisional* etymologies are favoured; thus St. Brandon's Fair (Banff) has been corrupted into Brandy Fair, and this has given rise to Porter Fair (Turriff), and Whisky Fair (Aberchirder). The suggestion, however, that the word 'Mutton' in Mutton-brae is connected with A.S. *mōt*, a meeting, is worth consideration.

The book contains a good index, a copy of Parson Gordon's map, and interesting illustrations. Strangers who may visit Aberdeen in September in connection with the University quater-centenary celebrations will find it extremely useful.

A. M. WILLIAMS.

**NAPOLEONIC STUDIES.** By J. Holland Rose, Litt.D. Pp. xii, 398. Post 8vo. London : George Bell & Sons, 1904. 7s. 6d. nett.

MR. ROSE'S well-established reputation, and his admirable life of Napoleon—so marked a service to English readers—have already taught us to expect from him accurate research and a clear style.

Of the twelve essays which this volume contains some have already appeared in the various reviews; but of greater interest and importance are the four new essays in this collection. One traces in Pitt's Plans for the Settlement of Europe (in 1795, 1798-99, and 1804-1805) a clear forecast of the settlement arrived at by the Congress of Vienna. In another is printed an interesting description (July, 1802) of Egypt, its geography and antiquities, the nature of the French administration, its commerce, the possibilities of its agriculture—'a proper management of the water is the first, the last, and the only object to be attended to.' A third works out the intimate connection of Napoleon's downfall with the pacific disposition of Austria, and his belief that she could be bribed or bullied into an understanding with him. Most likely to interest the general reader is Mr. Rose's study of the Idealist revolt against Napoleon, with which he joins the names of Wordsworth, Schiller, and Fichte. We wish Mr. Rose had given himself more space here: the discussion is too short to be adequate, and—we have no wish to quibble, but surely his use of the work 'idealist' is a little misleading. Napoleon represented heedless force as the executant of vague cosmopolitanism. It was the full exhibition of this that drove speculators into contact with reality, and aroused in Germany a nationalism, that was ill developed but perfectly genuine, and historic from the days of Charles V., and long before him. This, of course, is much more obvious in the case of England; and Mr. Rose scarcely notices, when writing of Wordsworth, to what an extent—and far more than Wordsworth then realised—his enthusiasm for the Revolution was based on his actual experience of sober liberty in England: that life in which he had been trained, and to which he returned 'to nurse his heart in genuine freedom.'

At the end of the volume Mr. Rose has printed a variety of letters and despatches illustrative of the operations in the Mediterranean, 1796, 1798; Napoleon's plans for invading England; and other matters.

K. L.

**LIFE OF SIR JOHN T. GILBERT, LL.D., F.S.A.**, Irish Historian and Archivist. By Rosa Mulholland Gilbert. Pp. x, 461. Demy 8vo. London : Longmans, Green & Co., 1905. 12s. 6d. nett.

It is not very easy to see the necessity for the *Life of Sir John T. Gilbert, LL.D., F.S.A.*, which his widow has lately published. Sir

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John Gilbert was a capable and indefatigable worker in the historical antiquities of Ireland, in regard to which he occupied for many years a position of acknowledged pre-eminence among his contemporaries, and his long labours undoubtedly did much to enlarge the available sources of information upon many important periods of Irish history. But large as was his knowledge, and great as was his enthusiasm for the historical records of his native country, Gilbert can scarcely be reckoned an historian, and there was nothing in his career to differentiate him from numerous learned contemporaries of whom even in this age of superfluous biography the world is content to go without a formal record. The public which Lady Gilbert rightly believes to feel an interest in her husband's career would gladly have welcomed a short account within the compass of a hundred pages of her husband's useful and laborious career. Such a memoir Lady Gilbert is well qualified to write.

**STUDIES IN ROMAN HISTORY.** By E. G. Hardy, M.A., D.Litt. Pp. ix, 349. London: Swan, Sonnenschein & Co., Limited, 1906. 6s.

THESE essays, chiefly on the introduction and spread of Christianity in the empire, begin with the earlier attitude of the Republic towards foreign cults, especially Judaism, and go on to examine the growing faith under Nero and the persecutions for the 'Name,' which are treated as rather social than religious. Not the slight to the national religion moved Nero, Domitian, or Trajan, but the disobedience shown through religion to the imperial government. Mr. Hardy often prefers a view opposite to Prof. Ramsay's. Included are essays on the movements of the legions, on parallelisms of Plutarch, Tacitus, and Suetonius, and on the Bodleian MS. of Pliny's letters. The miscellany displays wide classical research. In the military section Hadrian is treated as builder of both the Wall and the Vallum in north England, a standpoint now more than dubious.

**THE HEADSMAN OF WHITEHALL.** By Philip Sidney. Pp. ix. 114. 8vo. Edinburgh: Geo. A. Morton. 1905. 2s. 6d. nett.

MR. SIDNEY in this small book gives a well-written series of essays upon the execution of King Charles I., and the circumstances connected with it. He prints a detailed list of the regicides which will be found of use, but the main object of his speculations turns upon the identity of the King's executioner which is a still unsolved historical mystery. To eighteen persons has been attributed the dubious honour. One contemporary distich ran—

The best man next to Jupiter,  
Was put to death by Hugh Peter.

But the mass of the evidence seems to fix the responsibility upon the headsman, Richard Brandon, who at first refused absolutely to do the deed, but may later have been compelled by main force to mount the scaffold. It is an interesting study of one of the bypaths of history.

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THE RELIGIOUS CONTROVERSIES OF SCOTLAND. By the Rev. Henry F. Henderson, M.A. Pp. 274. Crown 8vo. Edinburgh : T. & T. Clark, 1905. 4s. 6d. nett.

A GOOD deal of the marrow of divinity has always been in the heresies. Mr. Henderson is full of guarded sympathy for the struggles of nationalism to permeate theology. His pleasantly toned volume surveys the burning questions of other days, from Hume's essay on miracles and Home's *Douglas* to Edward Irving's gift of tongues, and brings the theme down to date by its account of the troubles of Robertson Smith, Marcus Dods, and Professor Bruce. Heresies, however, quickly grow stale. Hume's question alone seems to preserve its salt.

PATHFINDERS OF THE WEST. Radisson, La Vévendrye, Lewis, and Clark. By A. C. Lant. Pp. xxv. 380. Cr. 8vo. New York : The Macmillan Company. 1904. 8s. 6d. nett.

THIS is a well-illustrated account of the careers of the early explorers of the Western portion of North America from 1651-1806. It is full of exciting adventure and discovery, and, in spite of some uncouth phrases, is well written. The writer in her dedication bases much of her knowledge upon the researches of Mr. Sulte, President of the Royal Society, Canada. And from them and other careful study, she has constructed a book that will delight those who love adventure and who care for North American exploration.

*Historical and Modern Atlas of the British Empire specially prepared for Students* is the title of a new work by C. Grant Robertson, All Souls' College, and J. S. Bartholomew (Methuen, 1905, 4s. 6d. net). The aim of its compilers is to provide a geographical and historical companion to past history and present conditions, so that teachers and pupils may examine the historic, the physical, the economic, and the modern political factors which affect the development of the nation. The maps and charts admirably fulfil this purpose, and the book is likely to be as useful as it is interesting.

*Shakespeare and the Supernatural*, by Margaret Lucy (Liverpool : Jaggard & Co., 1906, pp. 38, 2s.), carries a little information in a great deal of sentiment. Mr. William Jaggard's appended bibliography of the Shakespearean supernatural at least begins the subject.

*Notes on Shipbuilding and Nautical terms of old in the North*, a paper by Eiríkr Magnússon read before the Viking Club Society for Northern Research (London, Moring, pp. 56, with index, 1s.), brings, alongside of the vessels of the old Norsemen, the evidence of archaeology and etymology conjoined towards tracing the evolution, from the dug-out 'oakies' of the prime down to the 'snekkiæ,' 'dragon,' and 'buss' of the sagas. Very attractive is this assembling of the data, showing the

changing types of construction and tackle from the coracle of wicker with hide 'sewn' over it to the ocean-faring clinker-built galleys. The viking mast, always a pole-mast, the rudder or 'styri' (steering-oar) at the right-hand side buttock of the ship, the old nautical terms, the names of ships and winds and seas—all are discussed with abundant reference and document. 'Starboard' is well explained, but the old crux of 'larboard' is a problem still. The little book brings us out of difficult material a pleasant chapter of the story of the North Sea.

*The Letters of Cadwallader John Bates*, edited by Rev. Matthew Culley (Kendal, Titus Wilson, 1906, xiii. 192), with portrait frontispiece, recall the bright and winning personality of an accomplished and original Northumbrian antiquary, who died—too soon—in 1902. Mr. Bates did fine work in North English history, notably in his *Border Holds* and his short *History of Northumberland*, but he was as versatile as he was learned, and his sympathies attracted him not only to problems of the Roman Wall, to 'peels' and heraldry and medieval record, but also to such dark age interests as the computation of Easter and the biography of St. Cuthbert. His letters show a genuine workman in his study, and carry for his friends echoes of happy hours in his company at Langley Castle and elsewhere. A bibliography would have been a valuable supplement to this collection of letters, many of which were well deserving of preservation.

Of Burns biographies there is no end. *The Life of Robert Burns* by John Macintosh (Paisley : Alex. Gardner, 1906, pp. 309, 2s. 6d. net), follows orthodox Burnsite lines ; though its note is local and not critical, it tells the old, proud, sad story with due sympathy and the expected discretion, and it avoids heroics. Its detail of the memorials, monuments, celebrations, centenaries, exhibitions, clubs, etc., in honour of the bard is, in spite of its disproportion to the subject, an expressive section of the chapters on Burns and Posterity.

In *The World's Classics* (1s. per volume), now published by the Oxford University Press, the last two volumes, VI. and VII., have now been issued of Gibbon's *Decline and Fall*. A commendable feature of this handy and readable reprint is an index of no fewer than 138 pages.

Among periodicals received are *Archiv für das Studium der neueren Sprachen und Literaturen* (March), giving the close of a transcript of the *Dicta Catonis* and studies on Frankish sagas and on Boccaccio in Spanish Literature : *Revue des Etudes Historiques : Annales de l'Est et du Nord : Analecta Bollandiana : Kritische Blätter : Iowa Journal of History and Politics : Notes and Queries for Somerset and Dorset : Northern Notes and Queries*, (April), containing a compact well-informed biographical column on Mr. Neil Munro. Reprinted from the American Quarterly, *Modern Philology*, is Mr. Carleton F. Brown's expository and combative paper, entitled *Chaucer's 'Litel Clergeon,'* directed with no small force,

to disproving Professor Skeat's interpretation of the little schoolboy as a chorister. The *Ulster Journal of Archaeology* (April) contains, besides place-name studies, an instalment of the story of the Fall of Down in 1642, discussing the 'massacres.' The *Rutland Magazine* (April) has a paper with facsimiles on handwriting from the times of Mary and Elizabeth to the days of Oliver Cromwell. We have received an Alcuin Club tract on the litany—*The People's Prayers* (Longmans, pp. 43, 6d.).

*The Reliquary* (April), among its illustrations, has numerous sanctuary rings, like the knocker at Durham. *The Gentleman's Magazine* (February) has a paper which champions 'the real Claverhouse.' *The Revue Historique* (March and April) surveys in chivalrous yet patriotic retrospect the story of the fall of Quebec and loss of Canada in 1759-60. *The Modern Language Review* (April) deals with Dante's references to sports and pastimes, with Shakespeare's ghosts, and with Professor Churton Collins's editing of Greene's plays. In *The American Historical Review* (April), notable as usual for the generous space—100 pages—given to able and informing book-notices, Professor McMaster discusses American standards of public morals as exhibited in history, especially in such matters as repudiation of State debts, toleration, and codes of punishment.

*Scottish Notes and Queries* (February) had a note on a tombstone in Dundee, brought forward as a suggestion towards identifying Christian Lindsay, whose elusive shadow flits across the court literature of James VI. In the June issue points deserving study are raised regarding the *Dict. Nat. Biog.* articles on David and John Leitch, both Latinists—John certainly a Scot, and David claimed as such.

*The Celtic Review* (April) contains Gaelic texts both from manuscript and tradition, as well as discussion of place-names and debate on the date of Gildas. In its Reviews we note the following interesting comment on the Killiecrankie ballad, 'by an eye-witness,' dealt with by Mr. Millar in our October number (*S.H.R.* iii. 63). 'This eye-witness,' remarks our Celtic reviewer, 'was Iain Lorn, and while we admit his descriptions of the battle are given as if he had been a witness, we are not prepared to accept them as proof of his presence there. Iain Lorn was notoriously lacking in physical courage, and the fact of a poet describing a battle as if witnessing it when in reality he has never been even on the ground is a simple literary device which proves nothing except the poet's dramatic power. It is not commonly accepted in the Highland traditions that Iain Lorn was present at Killiecrankie, and there is really no proof either way.'

Much discussed as have been the relations of Saint Simon and Comte, the questions take a new departure in the light of M. Pereire's article in the *Revue Historique* (May-June), editing documents of the first value for philosophic biography.

## Queries

**ROBERT LITTLE.** To what family did Robert Little belong, who was born on 1st January, 1755, was for a year or two, 1778-9, at the University of Edinburgh, and then went to America and settled in New York county? He married Elizabeth Townsend there, and died in 1831.

HENRY PATON.

120 Polwarth Terrace, Edinburgh.

**'SALVO KER MEO.'** In the famous charter of liberties granted to the borough of Egremont in Cumberland by Richard de Lucy towards the close of the twelfth century, there is the puzzling phrase which I have placed as the title of this note. As it occurs twice I think there can be little doubt of the true reading. The reservation is thus set out in the grant:

(1) 'Item, burgenses mei quieti erunt de pannagio suo infra diuisas suas de porcis suis, scilicet, a Crokerbec usque ad riuulum de Culdertun, saluo Ker meo.'

(2) 'Item, burgenses capient necessaria ad propria edificia sua infra predictas diuisas sine uisu forestariorum, saluo Ker meo.'

When Nicolson and Burn printed the deed in 1777, they read the difficult passage in both cases as 'salvo maeremio,' but it seems clear that though the reading would be appropriate in the second passage, it would be altogether out of place in the first. Canon Knowles gave us a facsimile of the document in 1872, and if the script has been reproduced correctly there can be no question that 'saluo Ker meo' is the true reading. In the first passage we have 'Ker' with a capital and 'meo' with the customary interspace. There is no mark for contraction. In the second passage the first letter of the difficult word has been rubbed and no dogmatic opinion can be offered about it, but the 'meo' occupies the same relative position as in the other instance. Of course the scribe may have mistaken the word if he wrote from dictation. On the whole I think he meant to write 'saluo Ker meo.' It is scarcely possible that the central letter of 'mer[e]meo' could have perished in both places. On the other hand, Nicolson and Burn, no incompetent authorities, had seen the original, and I am depending solely on the facsimile by Canon Knowles, who was not by any means an expert palaeographist. But, as I said, if the facsimile is to be trusted, my reading of the word in the first passage is indisputable.

The only analogy I can suggest is from a Norfolk inquisition of 1277—‘de quadam consuetudine que vocatur Kerhere,’ which Ducange interprets as *droit de chauée*, deriving from the Latin *carriera*. It is perhaps not inadmissible to take the Egremont word from the English *cer, cerre, cerran*, which would amount to the same thing, viz., the lord’s right of passage through the burghal district.

JAMES WILSON.

Dalston Vicarage, Cumberland.

[Mr. Wilson is not to be rashly questioned on such a point, but is it not probable that the ‘Ker’ reserved from the grant was a piece of ground rather than a right? The word is still descriptive on both English and Scottish border connoting a low-lying wet tract of land. The *N.E.D.* s.v. ‘Carr’ cites Robert of Brunne, telling of an archbishop of York that ‘He livede in Kerres as doth the stork.’ In the *Coucher Book of Selby* (ed. Fowler) there is charter mention (i. p. 146) of ‘Stainer Ker’ in 1259; in the fourteenth century ‘Risebrig-Ker’ was a waste (ii. 28, 31) being reclaimed; while ‘one lytle carre’ is referred to in 1540 (ii. p. 349) which was ‘overronne with water almoste all the yeere.’ The great alliterative author of *Sir Gawayne* knew the word ‘Kerre’ (ll. 1421, 1431) which his editors have perhaps wrongly explained in the glossary. Scottish indications of the sense appear in such charter passages as that which connects ‘le Halc Kerre Molendinum et terras molendini’ of Ardonane in 1509 (Reg. Mag. Sig. 1424-1513, No. 3288) shewing that haugh and Ker and mill lie together. The correlation with brushwood is well shewn in the *N.E.D.* by instances from 1440 downwards: a citation from the Selby book (ii. p. 357) in 1540 may be added: ‘Totam terram et boscum nostrum vocatum le Carre.’ G. N.]

A SILVER MAP OF THE WORLD. There are in the British Museum two Silver Medallions engraved with a Chart of the World having Drake’s Voyage of circumnavigation clearly marked on it; only one other copy is known to exist.

Mr. Miller Christy in his interesting Monograph<sup>1</sup> on this Medallion suggests that it was engraved in commemoration of Drake’s voyage, but states that the engraver’s name is not known, nor the map from which the Medallion was copied. A reference to this Silver Map in *Purchas His Pilgrimes*, vol. 3, pages 461 and 462 has, however, apparently escaped Mr. Christy’s notice, and in the hope of eliciting further information on the subject we draw attention to it here.

Purchas is defending the claims of the English navigators to the prior discovery of the passage round Cape Horn against those of the Dutch navigators, and instances in support of his contention ‘The Map

<sup>1</sup> A Silver Map of the World. A contemporary Medallion commemorative of Drake’s Great Voyage (1577-1580), by Miller Christy. London: Stevens, Son & Stiles, MDCCCC.

of Sir Francis Drake's Voyage presented to Queene Elizabeth still hanging [c. 1625] in his Majestie's Gallerie at White Hall neere the Privie Chamber and by that Map wherein is Cabotas Picture, the first and great Columbus for the Northern World may be seen.' He then proceeds, 'And my learned friend Master Briggs told me that he hath seen this plate of Drake's Voyage cut in Silver by a Dutchman (Michael Mercator, Nephew to Gerardus) many yeeres before Schouten or Maire intended that Voyage.'

There can be no reasonable doubt that the 'plate cut in Silver' is this Silver Medallion, but who was Michael Mercator the engraver, and is the map of Drake's Voyage with Cabot's portrait engraved on it, still in existence?

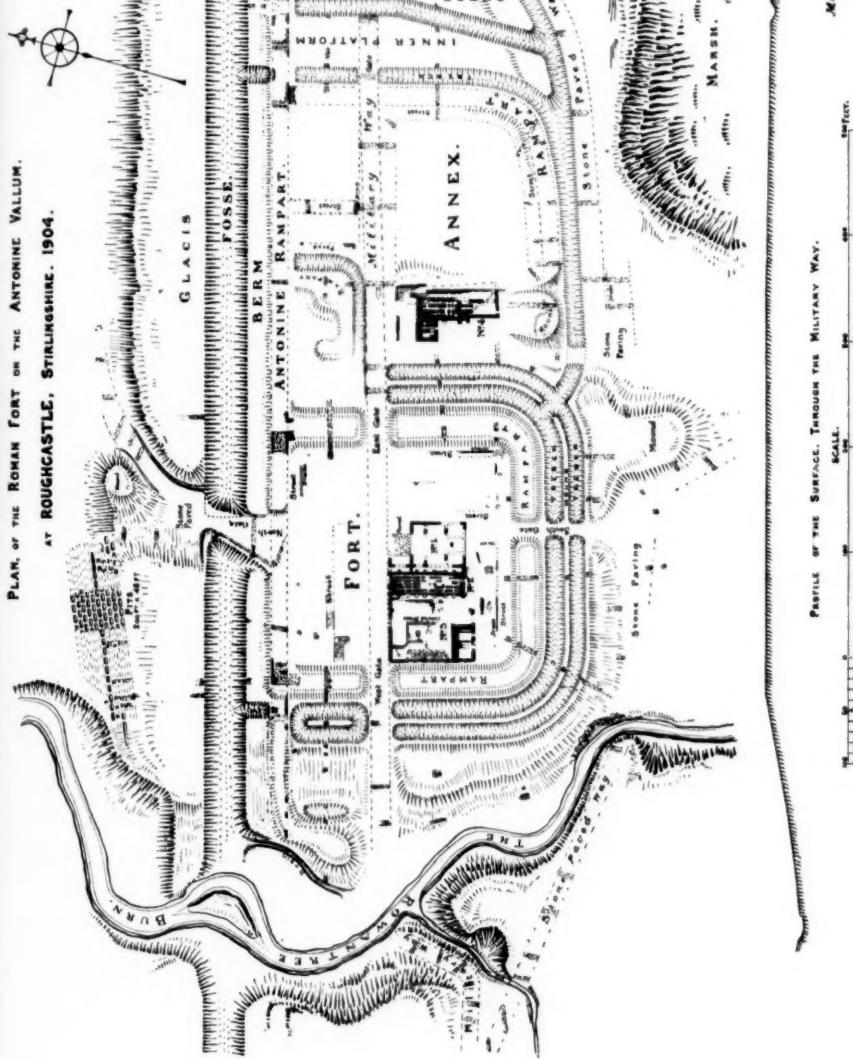
'Master Briggs' is doubtless Henry Briggs, the Mathematician, 1591-1630, whose life is given in the *Dictionary of National Biography*, vol. vi. pages 326 and 327.

S. D. J.

**DEDICATIONS TO ST. SUNNIVA.** In *A Description of the Isles of Shetland* (p. 530), Dr. Hibbert says: 'The parish of Yell boasted twenty chapels, variously dedicated to Our Lady, to St. Olla, to St. Magnus, to St. Laurence, to St. John, to St. Paul, or to St. Sineva.' Regarding the last-mentioned saint, the Rev. S. Baring-Gould quotes the substance of a twelfth century Saga: 'There lived in the days of Earl Hako (*i.e.* between 995-1000) a king in Ireland, who had a most accomplished and beautiful daughter named Sunnifa. A northern viking, hearing of her charms, became enamoured, and harried the coasts of Ireland because the king hesitated to give him her hand. The damsel, to save her native island from devastation, left Ireland. Her brother Alban and a multitude of virgins accompanied her, and all sailed away east, trusting in God. They came ashore on the island of Selja, off the coast of Norway, and would there have been massacred by Earl Hako had not the rocks opened, and all the maidens having retired within, they closed on them again, and they came forth no more alive. In 1170 the relics of Sunnifa and her virgin train were translated from Selja to Bergen by the bishop, Paul.' (*Lives of the Saints*, October, p. 543.) The writer of the article on the united parish of Mains and Strathmartine in the *New Statistical Account of Scotland* says: 'There is only one spring that claims to be noticed. It is called Sinavey, and issues from the crevice of a perpendicular rock at the castle of Mains.' Bishop Forbes, however, is inclined to derive the name of the spring from that of St. Ninian, to whom the church of Mains was dedicated. Had St. Sunniva any other dedications in Scotland besides the one in Yell referred to above? Were any Norwegian churches named after her?

J. M. MACKINLAY.

PLAN OF THE ROMAN FORT ON THE ANTONINE VALLUM,  
AT ROUGHCASTLE, STIRLINGSHIRE. 1904.



PROFILE OF THE SURFACE, THROUGH THE FORT.

Mungo Buchanan, Esq.  
F.S.A.S.

See page 526

PROFILE OF THE SURFACE, THROUGH THE MILITARY WAY.

Scale.  
0 100 200 300 400 500 600 700 800 900 1000



## Communications and Replies

**THE RUTHVEN OF FREELAND BARONY.** He who puts himself into the position occupied by Mr. Pickwick on a certain historic occasion must not complain of a cuff or two. But it is not stated that that gentleman evaded Mr. Slurk by sheltering behind Mr. Pott. If I have failed to grasp the import of the Records relied on to establish the charge of *mala fides* against the two Baronesses and the third Baron Ruthven,<sup>1</sup> I accept full responsibility therefor. But in courtesy to Mr. Round, I have asked the Editor's leave to explain my view of the particular instances on which he still insists. (*S.H.R.* iii. 104, 194, 339.)

The case of James Lord Ruthven is simple. Acting no doubt under legal advice, he took the title in succession, not to his mother or to his great-aunt, but to the second Baron; and forbore to assume it until he had been served heir accordingly.

But why did Baroness Jean drop, in a legal document of 1721, the style which she had constantly used since 1702. It is a puzzle. What special risk would the lady have run by retaining on that occasion the title which she had employed on so many seemingly similar occasions before? Till that question is answered, Mr. Round's theory is inadmissible, and he suggests no answer. Nor does Riddell. My explanation, offered with diffidence, is as follows. The third Lord in his *Retour* as heir to the second Lord is styled as a commoner, because on that *Retour* he was basing his claim to the title. What if Baroness Jean, in recording the entail executed by her brother, were seeking (so to speak) to re-found thereupon her right, which had been ignored in Crawford's *Peerage*? In that case, her reason for dropping the title would be the same as her grand-nephew's for delaying to assume it. It does not follow that the entail really gave her a legal right to the title; that I, like Mr. Round, think improbable, though I do not concur with him in thinking that the matter can be settled by quoting the terms of another patent. If the Ruthven patent, or the traditional version of it known to Baroness Jean, could be so understood, that is enough to explain Baroness Jean's action. In my former notes I showed cause for suspecting that her assumption of the title was rather acquiesced in than approved of by some of the family. Be that as it may, the third Lord, as has been already pointed out, took up the title in succession not to the Baronesses but to the second Lord; and his and his descendants' withers would be unwrung though Baroness Jean's claim were definitely rejected.

<sup>1</sup>As before, I use the titles for convenience and without prejudice.

These remarks do not touch Mr. Round's case on the merits, the strength of which I have admitted. He might without loss to himself have taken much of the wind out of the sails of his opponent, by dropping the argument *ad invidiam* altogether. But 'Ephraim is joined to his idols.' We have to thank him for giving us chapter and verse for Baroness Isobel's Coronation summons. I wish he could have proved or disproved the story of the like summons having been sent to Baroness Jean.

J. MAITLAND THOMSON.

THE ANDREAS AND ST. ANDREW. A few words should be said in reply to the remarks of Mr. Skeat in the *Review* for April, 1906 [S.H.R. iii. 245 and 383]. Mr. Skeat asserts very positively that *Andreas* and *The Fates of the Apostles* must be taken together as constituting a single poem, which he would call *The Twelve Apostles*, and for his proofs in detail he refers us to his article in *An English Miscellany*, Oxford, 1901. These proofs are repeated in summary by Mr. Skeat in his remarks in the April *Review*, without reference, however, to the discussion of the subject which had appeared in the meantime in the introduction to my edition of *Andreas* and *The Fates of the Apostles*, New York, 1906. With all deference to Mr. Skeat, I must repeat the conclusions which I have expressed there, that there is no proof that *Andreas* and *The Fates of the Apostles* are to be taken together as a single poem, and that, on the contrary, there is very good indication that they cannot be so regarded. The argument which Mr. Skeat bases on the mechanical arrangement of the poems in the manuscript is inconclusive, since, as I have shown, the scribe of the Vercelli manuscript uses exactly the same method in marking off sections of a poem that he uses in separating entirely different poems. There would, therefore, be as much reason for regarding the *Dialogue between the Soul and the Body*, *Sermon in verse on Psalm xxviii.*, and *The Vision of the Cross*,—three poems that no one has ever thought of uniting, as three cantos of a single poem,—as for regarding *The Fates of the Apostles* as a sixteenth canto of a poem consisting of *Andreas* and *The Fates of the Apostles* united. The arrangement of the poems in the manuscript does not speak decisively in favour of accepting *The Fates of the Apostles* as an integral part of *Andreas*.

An examination of the subject matter of the two poems in their relation to each other leads to the positive conclusion that they are separate and distinct compositions. Limitations of space do not permit a discussion of the question here, but the matter will be found fully set forth in the introduction to my edition of the poems. It will suffice for the present to point out that no part of either poem is necessary for the understanding of any part of the other poem, nor is there any allusion in the one to the other. Furthermore, an examination of the sources of the two poems shows that the author or authors followed these sources closely. In neither poem is there any indication that the author thought he was writing a great epic poem on the Twelve Apostles; he was simply retelling old stories as he had found them. The story of *Andreas* is derived from the πράξεις Ἀνδρέου καὶ Ματθεία εἰς τὴν πόλιν τῶν ἀνθρωποφάγων,

and to this source the poet adds not a single episode. The immediate source of *The Fates of the Apostles* has not been discovered, but the type of composition to which it belongs is a well known form of apocryphal literature preserved in numerous examples. The poem is obviously nothing more than a translation of one of these apocryphal Latin lists of the names and fates of the Twelve Apostles. The poet made no attempt to fuse old and detached episodes into a single unified poem; or if he did so, the evidences of success are so slight that no one could think of assigning such work to Cynewulf. The poems are separate and distinct. They belong to two different types of medieval composition; their sources prove this and their own internal economy permits no other supposition.

Like Mr. Skeat, I do not at present 'write to convince others,' but simply to call attention to an explanation of the relation of the poems that otherwise might escape notice. The question is of some importance in the history of Anglo-Saxon literature, and it deserves a cool and unprejudiced examination, instead of which it has been treated of late with a hasty dogmatism that passes belief.

In conclusion, I think we may clear Thorpe of the charge which Mr. Skeat brings against him, of wilfully disregarding the runic signature containing the name Cynwulf. The fault, if fault there was, probably lies further back than Thorpe. For it is not at all probable that Thorpe saw anything but a copy of the manuscript, and it is altogether likely that the runic signature was missing in this copy.<sup>1</sup> Thorpe pretty certainly printed everything his copy contained, and there is no reason for supposing that he 'coolly ignored' any part of the manuscript.

GEORGE PHILIP KRAPP.

Columbia University, New York City.

THE ANDREAS AND ST. ANDREW (S.H.R. iii. 245 and 383). Not to accept Professor Skeat's inferences does not necessarily imply ignorance of the facts. I do not regard as proved or provable the unity of the *Andreas* and the *Fata Apostolorum*. In my judgment the poem called the *Andreas* is rightly so called since St. Andrew is undoubtedly the hero of it, occupying the stage for the longest time and figuring in triumph. As I have said, the poem is a free translation of a well-known Greek original, and it is complete in itself. There is a short introduction referring to the twelve apostles, but to use it to cover the incorporation of the *Fata Apostolorum* is a mere straining of the facts. Professor Skeat's assumption that the poet 'finding the whole story would be too long, accounts for the rest of the apostles by merely mentioning their ultimate fate,' is quite unwarranted. The Anglo-Saxon poet did not boggle at the length of his composition; the *Andreas* contains 1722 lines, the *Genesis* contains 2935; moreover,

<sup>1</sup> For the full details of this question I must refer to my discussion of it in 'The First Transcript of the Vercelli Book,' in *Modern Language Notes*, vol. xvii. pp. 171-172 (1902).

Professor Skeat ignores the fact that in the *Fata Apostolorum* St. Andrew and St. Matthew are introduced again, St. Andrew in line 16, St. Matthew in line 67. I have no hesitation in regarding *Fata Apostolorum* as an independent composition.

A. M. WILLIAMS.

**SOLOMON'S EVEN IN SHETLAND.** (*S.H.R.* i. 350.) Respecting the word the Rev. A. Smythe Palmer, in his *Folk-Etymology*, says: 'I have no doubt that this is a corruption of *Soulemas Even* or *Soul-mass Even*; *Soulemas Daye* or *Soulemesday* being an old name for the Feast of All Souls, which fell on the 2nd of November.' As may be remembered, a superstition of ill-omen was connected with Solomon's Even not out of harmony with the sombre associations of the day of the dead. Why Solomon's Even should have fallen on the third of November rather than on the second, or, more correctly, on the evening before the second, does not appear.

J. M. MACKINLAY.

**SCOTS IN POLAND.** The following translation from a document in High German in the possession of Mr. Patrick Keith-Murray is printed here, as it throws some light upon the doings in the early part of the seventeenth century of two of the many Scots in Poland whose history is still to be written. The two, Peter Lermondt<sup>1</sup> and William Keitz, were doubtless members of the Scottish families of Learmonth and Keith serving in the army of King Sigismund III. of Poland, who, from his claims to the throne of Sweden in the North, and the pressure of the Turks on the South, had great need of foreign soldiers. The introduction of the name Learmonth into Eastern Europe has a special interest of its own also, when we remember the Russian poet Mikhail Yurievitch Lermontoff (1814-1841), the Poet of the Caucasus, was descended from George Learmonth, who—like the soldier Peter who was probably a relative—entered the service of Poland with sixty Scots and Irishmen,<sup>2</sup> and afterwards, in 1613, passed into that of Russia.

We, Sigismundus the Third, by the grace of God King in Poland, Grand-duc in Litthauen, Russia, Prussia, Massawen (Masovia), Samoitia, Livonia, Wolinia and Lierland Lord, and also of the Swedes, Goths and Wends, King and Grand-duc in Finland, Carelen, Watz, Lipetin and Ingern in Russia, of the Esths in Lierland Duke, send to all and each Palatinate and Princes both Cleric and Lay, prelates, counts, lords, knights, burgomasters, counsellors and others, of whatever dignity they may be, who may see this our open letter, in which they are assured of our friendship, our gracious favour and all good wishes to your beloved countries and yourselves. We hereby declare that we have accepted and named the noble

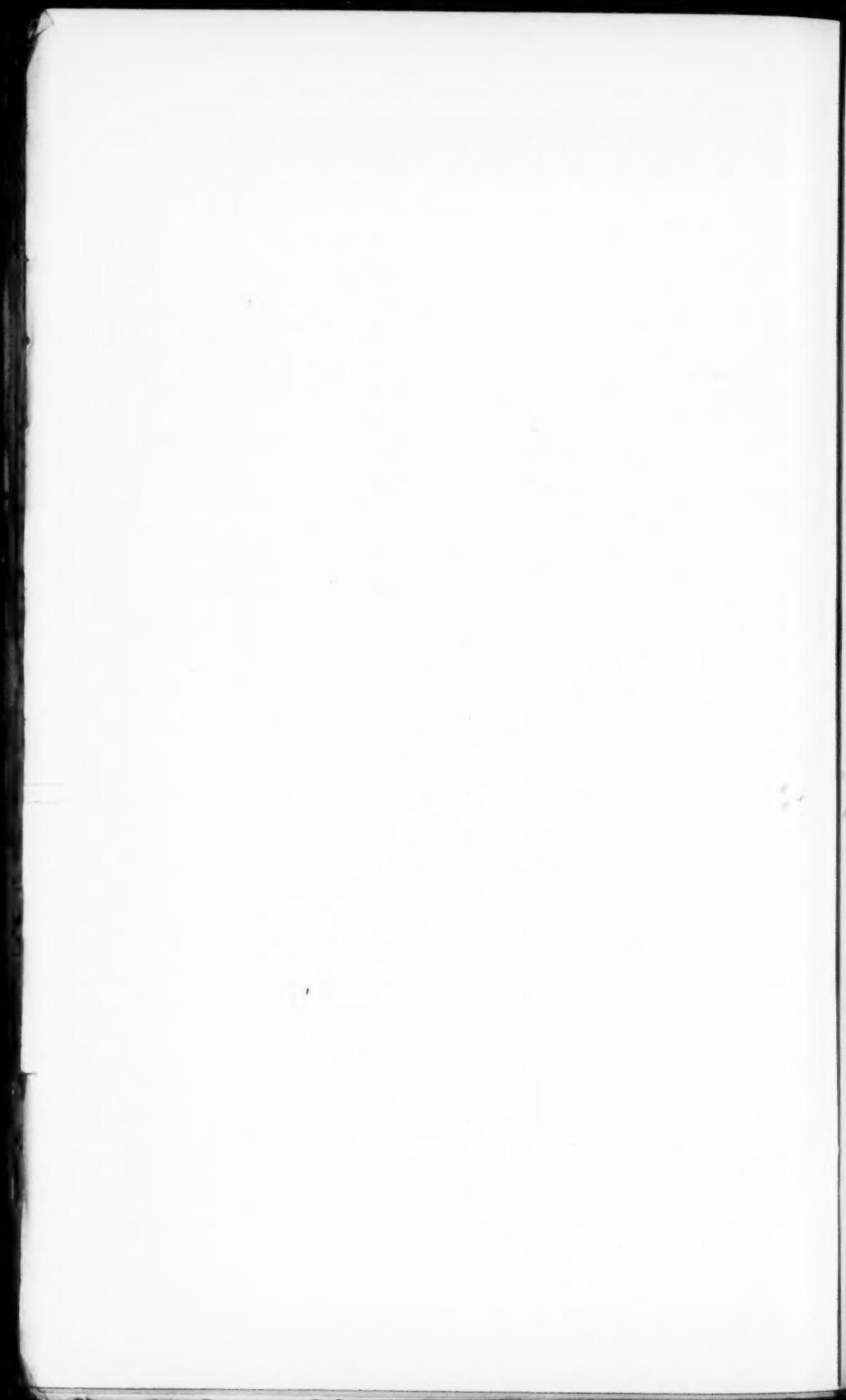
<sup>1</sup> As Peter Leermont 'nobilis,' he appears in the Minute books of Marienburg in 1619. <sup>v.</sup> Fischer's *Scots in Eastern and Western Prussia*, p. 131.

<sup>2</sup> <sup>v.</sup> *Russian Literature*, by P. Kropotkin (London, 1905), p. 51. Another, Captain David Learmonth, son of Sir John Learmonth of Balcomie (who died, 1625), is said to have died 'in Germany' (Wood's *East Neuk of Fife*, p. 444.)



INSCRIBED TABLET FOUND IN ROUGH CASTLE

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and brave Peter Lermondt as chief Captain over three companies of German soldiers, nine hundred foot soldiers, for the protection of our kingdoms, provinces, countries and people against the hereditary enemy of the Christian name, the Turks. It is therefore necessary that such soldiers should be levied and brought to camp partly outside of, but best in our own countries: the newly named Lermondt has ordered and installed the noble and brave William Keitz as captain. We herewith request your beloved countries and yourselves, also each one individually kindly and graciously, but our own people with authority, that they should allow the aforesigned Lermondt as chief Captain and his captain William Keitz, or the commanders of the same, to levy and enlist the aforesigned soldiers in your beloved countries towns, villages, authorities and realms; also to let the enlisted soldiers pass freely secure and unhindered and direct wherever they may be sent by Lermondt as chief Captain or his ordained captain or the commanders named by them by sea or land, to shelter them hospitably and give them fair and proper payment provision and other necessaries; also to give them everywhere good help and furtherance, so that the said soldiers may pass through all the speedier. This we will in all friendship and favour make up to your beloved countries and yourselves. In witness whereof we have signed this with our own signature and have our Royal Seal put thereon. At our Royal Castle of Warschau the 17th. January 1621, of our reign (in the four and thirtieth year of the Polish Calendar and the twenty-eighth of the Swedish Calendar).

A. FRANCIS STEUART.

## Notes and Comments

ROUGH CASTLE, two and a half miles west of Falkirk, well deserved the care and labour expended on its exploration by the *Rough Castle* Society of Antiquaries of Scotland, 'The vast Roman Fort upon the Wall, called Rough Castle,' said the *Itinerarium Septentrionale* of 'Sandy' Gordon, published in 1726, 'for intireness and magnificence exceeds any that are to be seen on the whole Track from sea to sea.' A position naturally favourable for defence was strongly fortified. Having the Antonine Vallum as its northern face, the fort, admirably shown (page 520) in Mr. Mungo Buchanan's plan (reproduced by permission of the Society), consisted of two parts, the fort proper and the annex. The main rampart of the fort is of earthwork 'cespiticious' in character on a base of stone like that of the Antonine Vallum itself. Outside of the rampart—west, south, and east—are two fosses. The rampart of the annex differs in structure from that of the fort. Although on a stone foundation it does not show the same mossy lamination, and it has not the double outer ditch of the fort. All the main fosses are of V section. Foundations of buildings in both fort and annex, while scarcely definite enough to warrant specific identifications of parts, exhibit apartments and structures various in size and character, with cross walls, indications of tile floorings, buttresses, hypocaust pillars, flagstone paving, drains, culverts, etc. What are believed to be clear evidences of alterations and additions point to the character and duration of the occupancy—a subject on which the report in the last volume of the Society's *Proceedings* is chary of theorising. Dr. Christison confines himself to a general description and account of this important station, Mr. Buchanan records the facts of the exploration, which owed much of its success to his own work and that of Mr. J. R. MacLuckie, of Falkirk; while Dr. Joseph Anderson registers the potter's marks of earthenware remains and the special features of the glass, bronze, lead, iron, and leather articles—in this instance neither numerous nor important.

The sole inscription previously found associated this station with the sixth cohort of the Nervii. A tablet (page 524) was during the Society's explorations found at the entrance to the building in the fort marked on the plan No. 1. It is of special interest not only as confirming the connection between the Nervians and this fort, but as showing that, in the second century A.D., 'principia' was probably the true name of the group of buildings in a Roman camp which we have been accustomed to call the 'praetorium':

[IMP. CAE]SARI. TITO  
[AELIO. ] HADRIANO.  
[ANTO]NINO. AVG  
[PIO. ] P. P. COH. VI  
[NER]VIORUM. PRI  
[NCI]PIA. FECIT

(In the reign of the Emperor Cæsar Titus Aelius Hadrianus Antoninus Augustus Pius, father of his country, the sixth cohort of Nervii made the headquarters.)

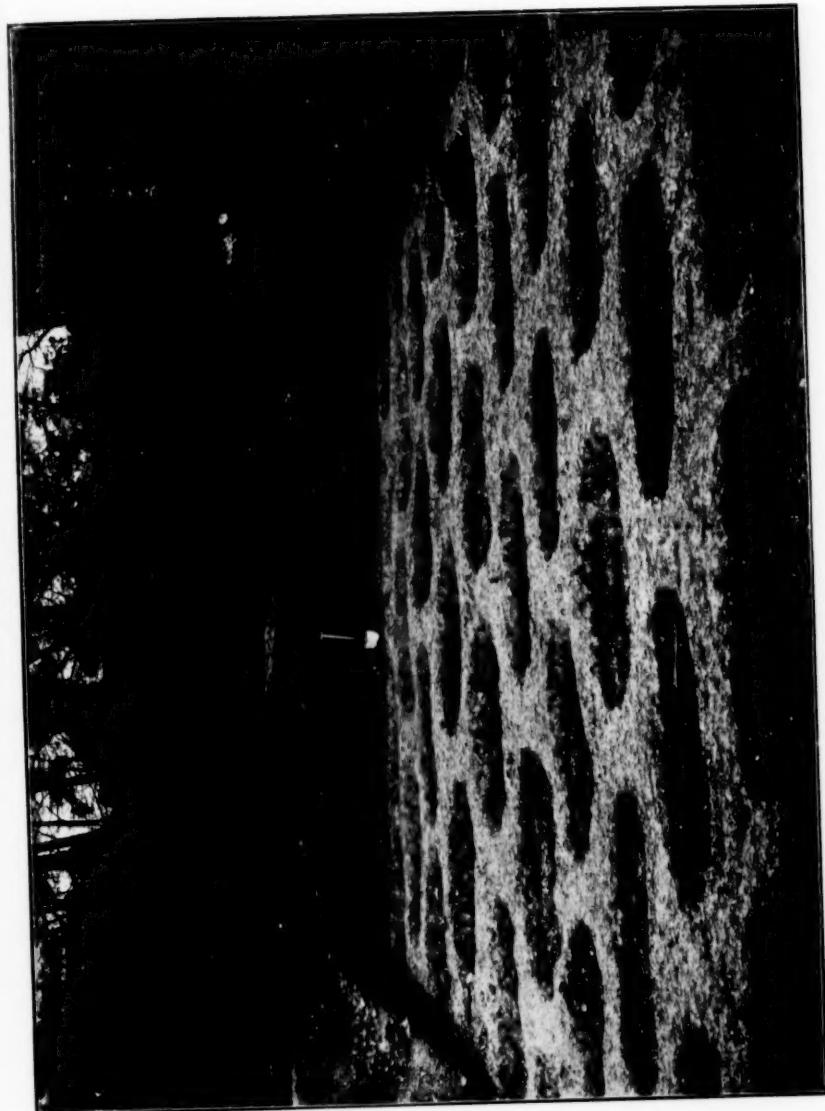
Yet more interesting than this inscription, however, was the discovery of a series of defensive forts (p 524) forming a guard to the north-west side of the approach to the north gate of the fort. There were ten parallel rows with the pits arranged obliquely, so that pit and plain surface alternated either way. This curious feature of the works of Rough Castle was, with surprising exactness, explained by Mr. Haverfield's reference to Cæsar's *Commentaries* for the pits with sunken stakes, set quincunx fashion, used by Cæsar to strengthen his lines at the siege of Alesia.

GEORGE BUCHANAN is being very variously honoured as he enters upon his fifth century. As was to be expected the occasion has already produced a number of books. Professor Hume Brown has written a popular sketch expressly for the young—*George Buchanan and His Times* (Edinburgh: Oliphant, Anderson & Ferrier, pp. 96, with portraits, etc., 1s. net)—in which the career of the scholar, historian and politician are briefly traced with attractive simplicity of language, and with the same studied moderation of tone as distinguished the fine biography which the author published in 1895. To the latter work, as of prime authority, all subsequent writers have been profoundly indebted. The late Dr. Robert Wallace, in his unfinished sketch of Buchanan for the *Famous Scots* series now reprinted (*George Buchanan*, by Robert Wallace, completed by J. Campbell Smith. Quater-Centenary edition. Edinburgh: Oliphant, Anderson & Ferrier, 1906, pp. 150, six illustrations, 1s.), expressly said that he did not pretend to contribute any fresh material, but that his object was to boil down Dr. Hume Brown. This he did, but with constant touches of enthusiasm and characterisation, which mark the posthumous essay as a specially bright biographical estimate. The most considerable recent work on this theme of the hour, however, is *George Buchanan, a Biography*, by Donald Macmillan, M.A., D.D. (Edinburgh: George A. Morton, 1906, pp. ix, 292, 3s. 6d. net), in which a revised judgment is offered on the chief issues dealt with by earlier biographers and critics. The standpoint is, perhaps, rather too obviously clerical, but in popularising and canvassing the older opinions upon the one Scot whom Europe has ever hailed as pre-eminent among the scholars of his time, Dr. Macmillan's review of the evidence will be of service in shaping the new verdict to which a Quater-Centenary Celebration can hardly fail to lead. Time—deadly in the part of Devil's Advocate—seems to have taken his stand definitely on Buchanan's side.

His vigorous survival after four complete centuries is to be scholastically celebrated, as it were, at St. Andrews, where, besides Lord His Quater Reay's oration in his honour, there are to be University Centenary receptions and the like, as well as a bibliographic exhibition which can hardly fail to be of historical importance. Buchanan was, of course, not only a writer of books himself, but the cause of so many books by others in his own time and since that a bibliography is now a spacious task. In Glasgow the proposed celebrations (not a little due to the initiative of Lord Provost Bilsland) are on a purposely subordinate scale and embrace an archaeological visit in August to the Moss, Kilmarnock, where Buchanan was born, and an anniversary address in November by the Rev. Principal Lindsay in connection with the Historical Society of the University of Glasgow. A special Committee in Glasgow has in charge the preparation of a Memorial Volume or 'Festschrift' to contain along with Dr. Lindsay's address a number of documents and special essays. Contributions by Prof. Hume Brown, Sir Archibald Lawrie, Dr. David Murray and others are expected—the papers including unprinted texts and charters relative to Buchanan, notes on books belonging to or gifted by him, the reprint of at least one very rare pamphlet shewing his poetical influence, discussion of the provenance and effect of his political doctrine, and other first-hand studies in the history and literature of his time. We are authorised to state that the Committee will be pleased to consider any contributions on those lines which may, not later than 1st September, be offered or submitted to them by students of Buchanan or of the intellectual movement he represents.

MR. H. E. EGERTON, M.A., Beit Professor of Colonial History in the University of Oxford, has published at the Clarendon Press his *Colonial History*. *Claims of the Study of Colonial History upon the Attention of the University of Oxford* (pp. 32, 1s. net). He protests against the Oxford curriculum for dealing with 'English history only as far as the accession of Queen Victoria.' His thesis that for colonial history the year 1837 is an impossible limit establishes easily a foregone conclusion. We have often no great sympathy with ultra-patriotic outcry against a broad application of the word 'England,' but what excuse is there for the use of the term the 'English Empire,' by any person presumably exact, speaking from a chair of history?

THE RYMOUR CLUB, EDINBURGH, has been formed to 'gader the relefis [fragments] thatt ar left that thai perische nocht'—in other words, to collect waifs and strays of traditional rimes and popular airs. Printed for members only, the first part of their *Miscellanea* contains reminiscences of children's chants, and the gallant ballad of Jack Munro. Mr. A. H. Millar contrasts the original and improved versions of 'Within a Mile o' Edinboro' Town.' There is clearly a field for useful work by the Club, which bids fair to earn the benison of students of Scottish folk-lore.



THE PITS (LILAS) TO NORTH-WEST OF NORTH GATE OF ROUGH CASTLE FORT

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